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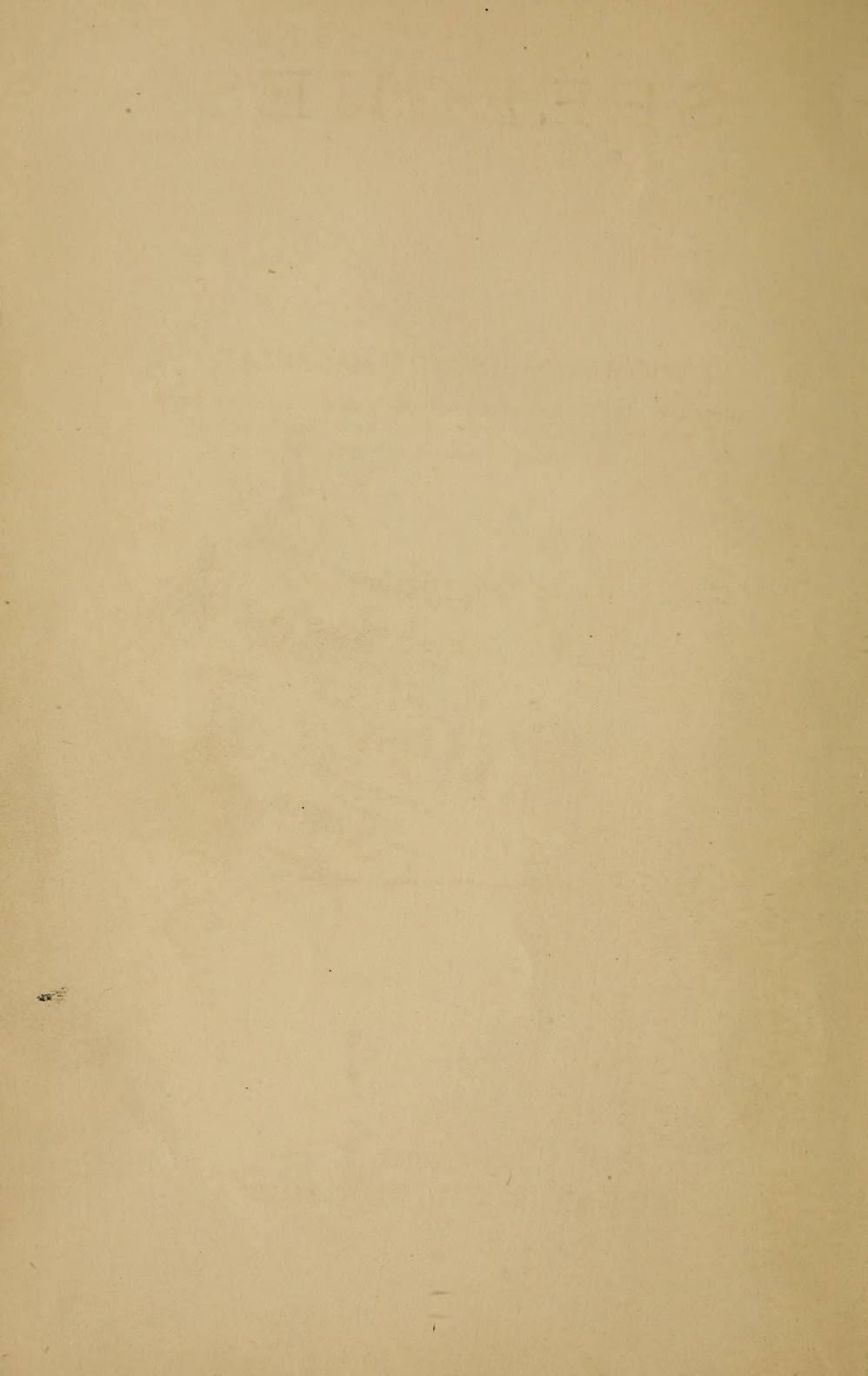
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# SPEECHES

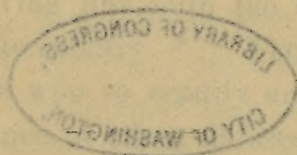
BY

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THOMAS BABINGTON MACAULAY,

AUTHOR OF "THE HISTORY OF ENGLAND FROM THE ACCESSION OF JAMES  
THE SECOND," "LAYS OF ANCIENT ROME," "ESSAYS FROM  
THE EDINBURGH REVIEW," ETC., ETC.

IN TWO VOLUMES.

VOL. I.



NEW YORK:

HURST & CO., PUBLISHERS,



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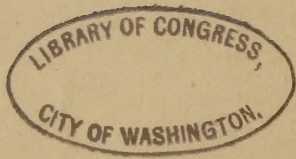
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## PUBLISHER'S PREFACE

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FRANCIS, the author of a collection of portraits of contemporary statesmen, entitled the *Orators of the Age*, has given in that work a sketch of the Parliamentary manner and successes of Macaulay. He claims for him the first rank of the speakers of the day—no less for the literary and historical illustrations of his speeches, than for their fidelity to the immediate interests of the discussion. In the union of these two qualities may be summed up Macaulay's characteristic merits. "He is a great reconciler of the new with the old. Although he may adorn a subject with the lights afforded by his rare genius, he never trifles with it. His historical research renders him a living link with the old and uncorrupted constitution of the country. \* \* There is no speaker now before the public who so readily and usefully, and with so little appearance of effort, infuses the results of very extensive reading and very deep research into the common, every day business of Parliament. But his learning never tyrannizes over his common sense."\* The

\* Francis's *Orators of the Age*.

political liberality and principle of free development, the honorable and humanitarian spirit of these speeches are as obvious.

The following speeches, which are now for the first time brought together, are reprinted in a connected and complete series from the standard authority, Hansard's Parliamentary Debates. They embrace the whole of the distinguished orator's course in the House of Commons, from 1830 to the present day. Among them will be found in due chronological order, the several speeches on the Reform Bill, which brought the orator so prominently forward in the arena of the House of Commons and before the world, in his vindication of the extension of the suffrage and the principles of representation, supported by every resource of wit, skilful argument, ingenuity of detail, and historical precedent, including those memorable passages on the lessons of the French and English Revolutions; the discussion of questions growing out of the agitations in Ireland in 1833, and later, the measures of repression, the reform of the Protestant Church Establishment, the Maynooth College Bill; his eloquent review of the East India policy, which recalls the triumphs of Burke; his Copyright speeches, in which he places literary property on the ground of expediency; his views on the Corn Laws, the Ballot, the Charter petition, the Dissenters' Chapel Bill; his remarks on the Treaty of Washington; with many discussions incidental to these and other important topics, springing up during his Parliamentary career.

Thomas Babington Macaulay was born in 1800. In 1818 he entered Trinity College, Cambridge, obtaining



a fellowship of that college in 1824. He then became a law student at Lincoln's Inn, and was called to the bar in 1826. At this period he laid the foundation of his literary fame by his celebrated articles in the *Edinburgh Review* (one of the earliest of which, a paper on the Reform Question, is printed in the present volumes), having previously given some brilliant poems and sketches to *Knight's Quarterly Magazine*. We find him in 1830 in Parliament under the nomination system, sitting for the Marquis of Lansdowne's borough of Calne before the Reform Bill. He was elected member for Leeds in 1833, but soon resigned his seat to proceed to India as member of the Supreme Council of Calcutta, where he was at the head of the Commission for the Reform of East India Legislation. In 1838 he returned to England, and shortly afterwards was elected member for Edinburgh. In 1839 he joined the Cabinet as Secretary at War, supporting the Whig cause by some of his most vigorous speeches. His course in the advocacy of the Maynooth Grant probably lost him his election at Edinburgh in 1847. He was installed Rector of the University of Glasgow in 1849, and re-elected to Parliament in 1852. In 1848 appeared the first two volumes of his celebrated History of England. The third and fourth were published in 1855, and Vol. 5, a fragment, was issued after his death in 1861. He died Dec. 28, 1859, and was buried in Westminster Abbey.

As some curiosity may be felt in this connexion to know something of Macaulay's personal manner as a speaker, we may add that, Mr. Francis describes his voice as "monotonous, pitched in alto, shrill, pouring

forth words with inconceivable velocity—a voice well adapted to give utterance with precision to the conclusions of the intellect, but in no way naturally formed to express feeling or passion.” His face is described as “literally instinct with expression : the eye, above all, full of deep thought and meaning.” In stature, he is short and stout.

Macaulay must always be listened to and read with pleasure, for the brilliant light he constantly throws upon his object, whatever its character. Passing over his great efforts in the following collection, we may refer for an example of the force of picturesque treatment, condensing and illuminating the argument, to the very neat little casual speech on the Anatomy Bill, with its prompt disposition of the comparative interests of rich and poor in the question. It shows how a man of genius may give value to every occasion.



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# MACAULAY'S SPEECHES.

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## ENGLISH POLITICS IN 1827.\*

*The New Antijacobin Review.*—Nos. I. and II. 8vo. London.  
1827.

WE ought to apologize to our readers for prefixing to this article the name of such a publication. The two numbers which lie on our table contain nothing which could be endured, even at a dinner of the Pitt Club, unless, as the newspapers express it, the hilarity had been continued to a very late hour. We have met, we confess, with nobody who has ever seen them; and, should our account excite any curiosity respecting them, we fear that an application to the booksellers will already be too late. Some tidings of them may perhaps be obtained from the trunk-makers. In order to console our readers, however, under this disappointment, we will venture to assure them, that the only subject on which the reasonings of these Antijacobin Reviewers throw any light, is one in which we take very little interest—the state of their own understandings; and that the only feeling which their

\* From the Edinburgh Review, Jan. 1827.

NOTE. This article and the following one, which have not been collected in the edition of Macaulay's Edinburgh Review articles, are here printed as an appropriate introduction of the celebrated Speeches on the Reform Bill, to several of the leading points of which they offer no slight resemblances.

pathetic appeals have excited in us, is that of deep regret for our four shillings, which are gone and will return no more.

It is not a very cleanly, or a very agreeable task, to rake up from the kennels of oblivion the remains of drowned abortions, which have never opened their eyes on the day, or even been heard to whimper, but have been at once transferred from the filth in which they were littered, to the filth with which they are to rot. But unhappily we have no choice. Bad as this work is, it is quite as good as any which has appeared against the present administration. We have looked everywhere, without being able to find any antagonist who can possibly be as much ashamed of defeat as we shall be of victory.

The manner in which the influence of the press has, at this crisis, been exercised, is, indeed, very remarkable. All the talent has been on one side. With an unanimity which, as Lord Londonderry wisely supposes, can be ascribed only to a dexterous use of the secret-service money, the able and respectable journals of the metropolis have all supported the new government. It has been attacked, on the other hand, by writers who make every cause which they espouse despicable or odious,—by one paper which owes all its notoriety to its reports of the slang uttered by drunken lads who are brought to Bow Street for breaking windows —by another, which barely contrives to subsist on intelligence from butlers, and advertisements from perfumers. With these are joined all the scribblers who rest their claim to orthodoxy and loyalty on the perfection to which they have carried the arts of ribaldry and slander. What part these gentlemen would take in the present contest, seemed at first doubtful. We feared, for a moment, that their servility might overpower their malignity, and that they would be even more inclined to flatter the powerful than to calumniate the innocent. It turns out that we were mistaken; and we are most thankful for it. They have been kind enough to spare us the discredit of their alliance. We know not how we



should have borne to be of the same party with them. It is bad enough, God knows, to be of the same species.

The writers of the book before us, who are also, we believe, the great majority of its readers, can scarcely be said to belong to this class. They rather resemble those snakes with which Indian jugglers perform so many curious tricks: The bags of venom are left, but the teeth are extracted. That they might omit nothing tending to make them ridiculous, they have adopted a title on which no judicious writer would have ventured; and challenged comparison with one of the most ingenious and amusing volumes in our language. Whether they have assumed this name on the principle which influenced Mr. Shandy in christening his children, or from a whim similar to that which induced the proprietors of the most frightful Hottentot that ever lived, to give her the name of Venus, we shall not pretend to decide; but we would seriously advise them to consider, whether it is for their interest, that people should be reminded of the celebrated imitations of Darwin and Kotzebue, while they are reading such parodies on the Bible as the following:—"In those days, a strange person shall appear in the land, and he shall cry to the people, Behold, I am possessed by the Demon of Ultra-Liberalism; I have received the gift of incoherence; I am a political philosopher, and a professor of paradoxes."

We would also, with great respect, ask the gentleman who has lampooned Mr. Canning in such Drydenian couplets as this—

"When he said if they would but let him in,  
He would never try to turn them out again,"

whether his performance gains much by being compared with New Morality? and, indeed, whether such satire as this is likely to make anybody laugh but himself, or to make anybody wince but his publisher?

But we must take leave of the *New Antijacobin Review*; and we do so, hoping that we have secured the gratitude of its conductors. We once heard a schoolboy relate, with evident satisfaction and pride, that he had been horsewhipped by a Duke: we trust that our present condescension will be as highly appreciated.

But it is not for the purpose of making a scarecrow of a ridiculous publication, that we address our readers at the present important crisis. We are convinced, that the cause of the present Ministers is the cause of liberty, the cause of toleration, the cause of political science,—the cause of the people, who are entitled to expect from their wisdom and liberality many judicious reforms,—the cause of the aristocracy, who, unless those reforms be adopted, must inevitably be the victims of a violent and desolating revolution. We are convinced, that the government of the country was never intrusted to men who more thoroughly understood its interest, or were more sincerely disposed to promote it—to men who, in forming their arrangements, thought so much of what they could *do*, and so little of what they could *get*. On the other side, we see a party which, for ignorance, intemperance, and inconsistency, has no parallel in our annals,—which, as an Opposition, we really think, is a scandal to the nation, and, as a Ministry, would speedily be its ruin. Under these circumstances, we think it our duty to give our best support to those with whose power are inseparably bound up all the dearest interests of the community,—the freedom of worship, of discussion, and of trade,—our honour abroad, and our tranquillity at home.

In undertaking the defence of the Ministers, we feel ourselves embarrassed by one difficulty: we are unable to comprehend distinctly of what they are accused. A statement of facts may be contradicted; but the gentlemen of the Opposition do not deal in statements. Reasonings may be refuted; but the gentlemen of the Opposition do not reason. There is something impassive and



elastic about their dulness, on which all the weapons of controversy are thrown away. It makes no resistance, and receives no impression. To argue with it, is like stabbing the water, or cudgelling a woolpack. Buonaparte is said to have remarked, that the English soldiers at Waterloo did not know when they were beaten. The Duke of Wellington, equally fortunate in politics and in war, has the rare felicity of being supported a second time by a force of this description,—men whose desperate hardihood in argument sets all assailants at defiance,—who fight on, though borne down on every side by overwhelming proofs, rush enthusiastically into the mouth of an absurdity, or stake themselves with cool intrepidity on the horn of a dilemma. We doubt whether this unconquerable pertinacity be quite as honourable in debate as in battle; but we are sure, that it is a very difficult task for persons trained in the old school of logical tactics to contend with antagonists who possess such a quality.

The species of argument in which the members of the Opposition appear chiefly to excel, is that of which the Marquis, in the *Critique de l'Ecole des Femmes*, showed himself so great a master:—"Tarte à la crème—morbleu, tarte à la crème!" "Hé bien, que veux tu dire, tarte à ta crème?" "Parbleu, tarte à la crème, chevalier!" "Mais encore?" "Tarte à la crème!" "Dî-nous un peu tes raisons." "Tarte à la crémé!" "Mais il faut expliquer ta pensée, ce me semble." "Tarte à la crème, Madam." "Que trouvez-vous là à redire?" "Moi, rien;—tarte à la crème!" With equal taste and judgment, the writers and speakers of the Opposition repeat their favourite phrases—"deserted principles," "unnatural coalition," "base love of office." They have not, we must allow, been unfortunate in their choice of a topic. The English are but too much accustomed to consider every public virtue as comprised in consistency; and the name of coalition has to many ears a startling and ominous sound. Of all the charges

brought against the Ministry, this alone, as far we can discover, has any meaning; and even to this we can allow no force.

To condemn coalitions in the abstract, is manifestly absurd: Since in a popular government, no good can be done without concert, and no concert can be obtained without compromise. Those who will not stoop to compliances which the condition of human nature renders necessary, are fitter to be hermits than to be statesmen. Their virtue, like gold which is too refined to be coined, must be alloyed before it can be of any use in the commerce of society. But most peculiarly inconsistent and unreasonable is the conduct of those who, while they profess strong Party-feelings, yet entertain a superstitious aversion to Coalitions. Every argument which can be urged against coalitions, as such, is also an argument against party connexions. Every argument by which party connexions can be defended, is a defence of coalitions. What coalitions are to parties, parties are to individuals. The members of a party, in order to promote some great common object, consent to waive all subordinate considerations:—That they may co-operate with more effect where they agree, they contrive, by reciprocal concession, to preserve the semblance of unanimity, even where they differ. Men are not thought unprincipled for acting thus; because it is evident that without such mutual sacrifices of individual opinions, no government can be formed, nor any important measures carried, in a world of which the inhabitants resemble each other so little, and depend on each other so much, —in which there are as many varieties of mind as of countenance, yet in which great effects can be produced only by combined exertions. We must extend the same indulgence to a coalition between parties. "If they agree on every important practical question, if they differ only about objects which are either insignificant or unattainable, no party man can, on his own principles, blame them for uniting. These doctrines, like all other



doctrines, may be pushed to extremes by the injudicious, or employed by the designing as a pretext for profligacy. But that they are not in themselves unreasonable or pernicious, the whole history of our country proves.

The Revolution itself was the fruit of a coalition between parties, which had attacked each other with a fury unknown in later times. In the preceding generation their hostility had covered England with blood and mourning. They had subsequently exchanged the sword for the axe: But their enmity was not the less deadly because it was disguised by the forms of justice. By popular clamour, by infamous testimony, by perverted law, they had shed innocent and noble blood like water. Yet all their animosities were forgotten in the sense of their common danger. Whigs and Tories signed the same associations. Bishops and field-preachers thundered out the same exhortations. The doctors of Oxford and the goldsmiths of London sent in their plate with equal zeal. The administration which, in the reign of Queen Anne, defended Holland, rescued Germany, conquered Flanders, dismembered the monarchy of Spain, shook the throne of France, vindicated the independence of Europe, and established the empire of the sea, was formed by a junction between men who had many political contests and many personal injuries to forget. Somers had been a member of the ministry which had sent Marlborough to the Tower. Marlborough had assisted in harassing Somers by a vexatious impeachment. But would these great men have acted wisely or honourably if, on such grounds, they had refused to serve their country in concert? The Cabinet which conducted the seven years' war with such distinguished ability and success, was composed of members who had a short time before been leaders of opposite parties. The Union between Fox and North is, we own, condemned by that argument which it will never be possible to answer in a manner satisfactory to the great body of mankind,—the argument from the event. But we should feel some surprise at

the dislike which some zealous Pittites affect to entertain for coalitions, did we not know that a Pittite means, in the phraseology of the present day, a person who differs from Mr. Pitt on every subject of importance. There are, indeed, two Pitts,—the real and the imaginary,—the Pitt of history, a Parliamentary reformer, (an enemy of the Test and Corporation Acts,) an advocate of Catholic Emancipation and of free trade,—and the canonized Pitt of the legend,—as unlike to his namesake as Virgil the magician to Virgil the Poet, or St. James the slayer of Moors to St. James the fisherman. What may have been the opinions of that unreal being whose birth-day is celebrated by libations to Protestant Ascendancy, on the subject of coalitions, we leave it to his veracious hagiographers, Lord Eldon and Lord Westmoreland, to determine. The sentiments of the real Mr. Pitt may be easily ascertained from his conduct. At the time of the revolutionary war he admitted to participation in his power those who had formerly been his most determined enemies. In 1804 he connected himself with Mr. Fox, and, on his return to office, attempted to procure a high situation in the government for his new ally. One more instance we will mention, which has little weight with us, but which ought to have much weight with our opponents. They talk of Mr. Pitt;—but the real object of their adoration is unquestionably the late Mr. Percival, a gentleman whose acknowledged private virtues were but a poor compensation to his country for the narrowness and feebleness of his policy. In 1809 that minister offered to serve not only *with* Lord Grenville and Earl Grey, but even *under* them. No approximation of feeling between the members of the government and their opponents had then taken place: there had not even been the slightest remission of hostilities. On no question of foreign or domestic policy were the two parties agreed. Yet under such circumstances was this proposition made. It was, as might have been anticipated rejected by the Whigs, and derided by the country. But the



recollection of it ought certainly to prevent those who concurred in it, and their devoted followers, from talking of the baseness and selfishness of coalitions.

These general reasonings, it may be said, are superfluous. It is not to coalitions in the abstract, but to the present coalition in particular, that objection is made. We answer, that an attack on the present coalition can only be maintained by succeeding in the most signal way in an attack on coalitions in the abstract. For never has the world seen, and never is it likely to see, a junction between parties agreeing on so many points, and differing on so few. The Whigs and the supporters of Mr. Canning were united in principle. They were separated only by names, by badges, and by recollections. Opposition, on such grounds as these, would have been disgraceful to English statesmen. It would have been as unreasonable and as profligate as the disputes of the blue and green factions in the Hippodrome of Constantinople. One man admires Mr. Pitt, and another Mr. Fox. Are they therefore never to act together? Mr. Pitt and Mr. Fox were themselves willing to coalesce while they were alive; and it would therefore be strange, if, after they have been lying for twenty years in Westminster Abbey, their names should keep parties asunder. One man approves of the revolutionary war. Another thinks it unjust and impolitic. But the war is over. It is now merely a matter of historical controversy. And the statesman who should require his colleagues to adopt his confession of faith respecting it, would act as madly as Don Quixote when he went to blows with Cardenio about the chastity of Queen Madasima. On these points, and on many such points as these, our new ministers, no doubt, hold different opinions. They may also, for aught we know, hold different opinions about the title of Perkin Warbeck, and the genuineness of the *Εἰκὼν Βασιλική*. But we shall hardly, on such grounds as these, pronounce their union a sacrifice of principle to place.

It is, in short, of very little importance whether the parties which have lately united entertain the same sentiments respecting things which have been done and cannot be undone. It is of as little importance whether they have adopted the same speculative notions on questions which could not at present be brought forward with the slightest chance of success, and which, in all probability, they will never be required to discuss. The real questions are these: Do they differ as to the policy which present circumstances require? Or is any great cause, which they may have heretofore espoused, placed in a more unfavourable situation by their junction?

That this is the case, no person has even attempted to prove. Bold assertions have indeed been made by a class of writers, who seem to think that their readers are as completely destitute of memory as they themselves are of shame. For the last two years they have been abusing Mr. Canning for adopting the principles of the Whigs; and they now exclaim that, in joining Mr. Canning, the Whigs have abandoned all their principles! "The Whigs," said one of their writers, but a few months ago, "are exercising more real power by means of the present Ministers than if they were themselves in office." "The Ministers," said another, "are no longer Tories. What they call conciliation is mere Whiggism." A third observed that the jest of Mr. Canning about Dennis and his thunder had lost all its point, and that it was a lamentable truth, that all the late measures of the government seemed to have been dictated by the Whigs. Yet these very authors have now the effrontery to assert that the Whigs could not possibly support Mr. Canning without renouncing every opinion which they had formerly professed.

We confidently affirm, on the other hand, that no principle whatever has been sacrificed. With respect to our foreign relations and our commercial policy, the two parties have for years been perfectly agreed. On the Catholic question the views of the



Whigs are the same with those of a great majority of their new colleagues. It is true that, in an illustrious assembly, which was formerly suspected of great dulness and great decorum, and which has of late effectually redeemed itself from one half of the reproach, the conduct of the Whigs towards the Catholics has been represented in a very unfavourable light. The arguments employed against them belong, we suppose, to a kind of logic which the privileged orders alone are qualified to use, and which, with their other constitutional distinctions, we earnestly pray that they may long keep to themselves. An ingenious member of this assembly is said to have observed, that the Protestant alarmists were bound to oppose the new Ministers as friends to the Catholic cause, and that the Catholics ought to oppose them as traitors to the same cause. He reminded the former of the infinite danger of trusting power to a Cabinet composed principally of persons favourable to emancipation : and, at the same time, pointed the indignation of the latter against the perfidy of the pretended friends who had not stipulated that emancipation should be made a ministerial measure ! We cannot sufficiently admire the exquisite dexterity of an assailant who, in the same breath, blames the same people for doing, and for *not* doing the same thing. To ordinary plebeian understandings we should think it undeniable that the Catholic question must be now—either in the same situation in which it was before the late change ; or it must have lost ; or it must have gained. If it have gained, the Whigs are justified ; if it have lost, the enemies of the claims ought zealously to support the new government ; if it be exactly where it was before, no person who acted with Lord Liverpool can, on this ground, consistently oppose Mr. Canning.

In this view, indeed, the cause of the Whigs is the cause of the ministers who have seceded from the Cabinet. Both parties have put in the same plea ; and both must be acquitted or condemned

together. If it be allowed that the elevation of Mr. Canning was not an event favourable to the Catholic cause, the Whigs will certainly stand convicted of inconsistency. But at the same time, the only argument by which the ex-Ministers have attempted to vindicate their secession, must fall to the ground; and it will be difficult to consider that proceeding in any other light than as a factious expedient to which they have resorted, in order to embarrass a colleague whom they envied. If, on the other hand, the effect of the late change were such, that it became the duty of those who objected to Catholic Emancipation, to decline all connexion with the Ministry, it must surely have become, at the same time, the duty of the friends of Emancipation to support the Ministry. Those who take the one ground, when their object is to vindicate the seceders, and the other, when their object is to blacken the Whigs, who, in the same speech, do not scruple to represent the Catholic cause as triumphant and as hopeless, may, we fear, draw down some ridicule on themselves, but will hardly convince the country. But why did not the Whigs stipulate that some proposition for the relief of the Catholics should be immediately brought forward, and supported by the whole influence of the Administration? We answer, simply because they could not obtain such conditions, and because, by insisting upon them, they would have irreparably injured those whom they meant to serve, and have thrown the government into the hands of men who would have employed all its power and patronage to support a system which, we do not scruple to say, is the shame of England, and the curse of Ireland. By the course which they have taken, they have insured to the sister kingdom every alleviation which its calamities can receive from the lenient administration of an oppressive system. Under their government, it will at least be no man's interest to espouse the side of bigotry. Truth will have a fair chance against prejudice. And whenever the dislike with

which the majority of the English people regard the Catholic claims shall have been overcome by discussion, no other obstacle will remain to be surmounted.

The friends of the Catholics have, indeed, too long kept out of sight the real difficulty which impedes the progress of all measures for their relief. There has been a nervous reluctance—perhaps a natural unwillingness, to approach this subject. Yet it is of the utmost importance that it should at last be fully understood. The difficulty, we believe, is neither with the King nor with the Cabinet,—neither with the Commons nor with the Lords. It is with the People of England; and not with the corrupt, not with the servile, not with the rude and uneducated, not with the dissolute and turbulent, but with the great body of the middling orders;—of those who live in comfort, and have received some instruction. Of the higher classes, the decided majority is, beyond all dispute, with the Catholics. The lower classes care nothing at all about the question. It is among those whose influence is generally exerted for the most salutary purposes,—among those from whom liberal statesmen have, in general, received the strongest support,—among those who feel the deepest detestation of oppression and corruption, that erroneous opinions on this subject are most frequent. A faction with which they have no other feeling in common, has, on this question, repeatedly made them its tools, and has diverted their attention more than once from its own folly and profligacy, by raising the cry of No Popery. They have espoused their opinions, not from want of honesty, not from want of sense, but simply from want of information and reflection. They think as the most enlightened men in England thought seventy or eighty years ago. Pulteney and Pelham would no more have given political power to Papists than to ourang-outangs. A proposition for mitigating the severity of the penal laws would, in their time, have been received with suspicion. The full discussion which the subject has since undergone, has



produced a great change. Among intelligent men in that rank of life from which our ministers and the members of our legislature are selected, the feeling in favour of concession is strong and general. But, unfortunately, sufficient attention has not been paid to a lower, but most influential and respectable class. The friends of the Catholic claims, content with numbering in their ranks all the most distinguished statesmen of two generations, proud of lists of minorities and majorities adorned by every name which commands the respect of the country, have not sufficiently exerted themselves to combat popular prejudices. Pamphlets against Emancipation are circulated, and no answers appear. Sermons are preached against it, and no pains are taken to obliterate the impression. The rector carries a petition round to every shopkeeper and every farmer in his parish, talks of Smithfield and the inquisition, Bishop Bonner and Judge Jeffries. No person takes the trouble to canvass on the other side. At an election, the candidate who is favourable to the Catholic claims, is almost always content to stand on the defensive. He shrinks from the odium of a bold avowal. While his antagonist asserts and reviles, he palliates, evades, and distinguishes. He is unwilling to give a pledge: he has not made up his mind: he hopes that adequate securities for the Church may be obtained: he will wait to see how the Catholic States of South America behave themselves! And thus, as fast as he can, he gets away from the obnoxious subject, to retrenchment, reform, or negro slavery. If such a man succeeds, his vote does not benefit the Catholics half so much as his shuffling injures them. How can the people understand the question, when those whose business is to enlighten them, will not state it to them plainly? Is it strange that they should dislike a cause of which almost all its advocates seem to be ashamed? If, at the late election, all our public men who are favourable to Emancipation had dared to speak out, had introduced the subject of their own accord, and discussed it day after day, they might have lost a few

votes ; they might have been compelled to face a few dead cats ; but they would have put down the prejudice effectually. Five or six friends of the claims might have been unseated, but the claims would have been carried.

The popular aversion to them is an honest aversion ; according to the measure of knowledge which the people possess, it is a just aversion. It has been reasoned down wherever the experiment has been fearlessly tried. It may be reasoned down everywhere. The war should be carried on in every quarter. No misrepresentation should be suffered to pass unrefuted. When a silly letter from Philo-Melancthon, or Anti-Doyle, about the Coronation Oath, or divided allegiance, makes its appearance in the corner of a provincial newspaper, it will not do merely to say " What stuff ! " We must remember that such statements constantly reiterated, and seldom answered, will assuredly be believed. Plain, spirited, moderate treatises on the subject, should find their way into every cottage ;—not such rancorous nonsense as that for which the Catholics formerly contracted with the fiercest and basest libeller of the age, the apostate politician, the fraudulent debtor, the ungrateful friend, whom England has twice spewed out to America ; whom America, though far from squeamish, has twice vomited back to England. They will not, they may be assured, serve their cause by pouring forth unmeasured abuse on men whose memory is justly dear to the hearts of a great people ;—men mighty even in their weaknesses, and wise even in their fanaticism ;—the goodly fellowship of our reformers,—the noble army of our martyrs. Their scandal about Queen Elizabeth, and their wood-cuts of the devil whispering in the ear of John Fox, will produce nothing but disgust. They must conduct the controversy with good sense and good temper, and there cannot be the slightest doubt of the issue. But of this they may be fully assured, that, while the general feeling of the Nation remains unchanged, a Ministry which should stake its existence on the

success of their claims, would ruin itself, without benefiting them.

The conduct of the Catholics, on the present occasion, deserves the highest praise. They have shown that experience has at last taught them to know their enemies from their friends. Indeed, there are few scenes in this tragicomic world of ours more amusing than that which the leaders of the Opposition are now performing. The very men who have so long obstructed Emancipation—who have stirred up the public feeling in England against Emancipation,—who, in fine, have just resigned their offices, because a supporter of Emancipation was placed at the head of the government,—are now weeping over the disappointed hopes of the poor Papists, and execrating the perfidious Whigs who have taken office without stipulating for their relief! The Catholics are, in the meantime, in the highest spirits, congratulating themselves on the success of their old friends, and laughing at the condoling visages of their new champions.

Something not very dissimilar is taking place with respect to Parliamentary Reform. The reformers are delighted with the new Ministry. Their opponents are trying to convince them that they ought to be dissatisfied with it. The Whigs, we suppose, ought to have insisted that Reform should be made a Ministerial measure. We will not at present inquire whether they have, as a body, ever declared any decided opinion on the subject. A much shorter answer will suffice. Be Reform good or bad, it is at present evidently unattainable. No man can, by coming into office, or by going out of office, either effect it or prevent it. As we are arguing with people who are more influenced by one name than by ten reasons, we will remind them of the conduct pursued by Mr. Pitt with regard to this question. At the very time when he publicly pledged himself to use his whole power, "*as a man and as a minister, honestly and boldly*" to carry a proposition of Parliamentary Reform, he was sitting in the same Cabinet with persons



decidedly hostile to every measure of the kind. At the present juncture, we own that we should think it as absurd in any man to decline office for the sake of this object, as it would have been in Sir Thomas More to refuse the Great Seal, because he could not introduce all the institutions of Utopia into England. The world would be in a wretched state indeed, if no person were to accept of power, under a form of government which he thinks susceptible of improvement. The effect of such scrupulosity would be, that the best and wisest men would always be out of place; that all authority would be committed to those who might be too stupid or too selfish to see abuses in any system by which they could profit, and who, by their follies and vices, would aggravate all the evils springing from defective institutions.

But were we to admit the truth of every charge which personal enemies or professional slanderers have brought against the present ministers of the Crown, were we to admit that they had abandoned their principles, that they had betrayed the Catholics and the Reformers, it would still remain to be considered, whether we might not change for the worse. We trust in God that there is no danger. We think that this country never will, never can, be subjected to the rule of a party so weak, so violent, so ostentatiously selfish, as that which is now in Opposition. Has the Cabinet been formed by a coalition? How, let us ask, has the Opposition been formed? Is it not composed of men who have, all their lives, been thwarting and abusing each other, Jacobins, Whigs, Tories, friends of Catholic Emancipation, enemies of Catholic Emancipation,—men united only by their common love of high rents, by their common envy of superior abilities, by their common wish to depress the people and to dictate to the throne? Did Lord Lansdowne at any time differ so widely from Mr Canning as Lord Redesdale from Lord Lauderdale—sometime needle-maker, and candidate for the shrievalty of London? Are the Ministers charged with deserting their opinions? and can we

find no instance of miraculous conversion on the left of the woolsack? What was the influence which transformed the *Friend of the People* into an aristocrat, "resolved to stand or fall with his order?" Whence was the sudden illumination, which at once disclosed to all the discarded Ministers the imperfections of the Corn Bill? Let us suppose that the Whigs had, as a party, brought forward some great measure before the late changes, that they had carried it through the Commons, that they had sent it up, with the fairest prospect of success, to the Lords, and that they had then, in order to gratify Mr. Canning, consented, in the face of all their previous declarations, to defeat it, what a tempest of execration and derision would have burst upon them! Yet the conduct of the Ex-Ministers, according to the best lights we can obtain upon it, was even more culpable than this. Not content with doing a bad thing, they did it in the worst way. The bill which had been prepared by the leader for whom they professed boundless veneration, which had been brought in under their own sanction, which, as they positively declared, had received their fullest consideration, which one of themselves had undertaken to conduct through the House of Lords, that very bill they contrived to defeat:—and, in the act of defeating it, they attempted to lay upon the colleagues whom they had deserted, the burden of public resentment which they alone had incurred. We would speak with indulgence of men who had done their country noble service before—and of many of whom, individually, it must be impossible to think otherwise than with respect. But the scene lately passed in that great assembly has afflicted and disgusted the country at large; and it is not the least of its evil consequences, that it has lessened in the public estimation, not only a body which ought always to be looked up to with respect, but many individuals of whose motives we cannot bring ourselves to judge unfavourably, and from whose high qualities we trust the country may yet receive both benefit and honour. Mr. Peel fortunately did not

expose himself quite as effectually as his associates; though we regret that the tone he adopted was so undecided and equivocal. It was not for him to pronounce any judgment on the wisdom of their conduct. He was fully convinced of the purity of their motives. And finally it was the eighteenth of June!—a day on which, it seems, the Duke of Wellington is privileged to commit all sorts of mischief with impunity to the end of his life. The Duke of Wellington, however, though the part which he took was unfortunately prominent, seems to have been comparatively innocent. He might not, while in office, have paid much attention to the measure in its original form. He might not have understood the real nature of his own unlucky amendment. But what were the motives of Earl Bathurst? Or where were they when he undertook the care of the bill in its former shape? Nothing had been changed since, excepting his own situation. And it would be the very madness of charity to believe, that, if he had still been a colleague of Lord Liverpool, or had been able to come to terms with Mr. Canning, he would have pursued such a line of conduct. Culpably as all his coadjutors have acted in this transaction, his share of it is the most indefensible.

And it is for these men,—for men who, before they have been two months out of office, have retracted the declarations which they made on a most important subject just before they quitted office,—that we are to discard the present ministers, as inconsistent and unprincipled! And these men are the idols of those who entertain so virtuous a loathing for unnatural coalitions, and base compromises. These men think themselves entitled to boast of the purity of their public virtues, and to repel, with indignant amazement, any imputation of interested or factious motives.

We dwell long on this event; because it is one which enables the country to estimate correctly the practical principles of those who, if the present ministers should fall, will assuredly take their



places. To call their conduct merely factious, is to deal with it far too mildly. It has been factious at the expense of consistency, and of all concern for the wishes and interests of the people. Was there no other mode of embarrassing the government? Could no other opportunity be found or made for a division? Was there no other pledge which could be violated, if not with less awkwardness to themselves, at least with less injury to the state? Was it necessary that they should make a handle of a question on which the passions of the people were roused to the highest point, and on which its daily bread might depend that they should condemn the country to another year of agitation, and expose it to dangers, which, only a few months before, they had themselves thought it necessary to avert, by advising an extraordinary exercise of the prerogative? There is one explanation, and only one. They were out, and they longed to be in. Decency, consistency, the prosperity and peace of the country, were as dust in the balance. They knew this question had divided men who were generally united, and united others who were usually opposed; and though they themselves had already taken their part with their colleagues in office and the more intelligent part of their habitual opponents, they did not scruple, for the sake of embarrassing those they had deserted, to purchase the appearance of a numerous following, by opposing a measure which they had themselves concocted, and pledged themselves to support. From the expedients to which they have resorted in Opposition, we may judge of what we have to expect if they should ever return to office.

They will return too, it must be remembered, not, as before, the colleagues of men by whose superior talents they were overawed, and to whose beneficial measures they were often compelled to yield a reluctant consent. The late change has separated the greater part of them from all such associates for ever: it has divided the light from the darkness: it has set all the wisdom, all

the liberality, all the public spirit on one side; the imbecility, the bigotry, and the rashness on the other. If they rule again, they will rule alone.

They will return to situations which they will owe neither to their talents nor to their virtues, neither to the choice of their King nor to the love of their country; but solely to the support of an Oligarchical Faction, richly endowed with every quality which ensures to its possessors the hatred of a nation,—a faction arbitrary, bigoted, and insolent,—a faction which makes parade of its contempt for the dearest interests of mankind, which loves to make the people feel of how little weight, in its deliberations, is the consideration of their happiness.

On this party, and on this alone, must such ministers, returning from such a secession, rely to uphold them against the public opinion, against the wishes of a King who has wisely and nobly performed his duty to the state, against the most beloved and respected portion of the aristocracy, against a formidable union of all the great statesmen and orators of the age. It was believed by those of whose wisdom Lord Eldon and the Duke of Newcastle think with reverence, that, in the bond between a sorcerer and his familiar demon, there was a stipulation that the gifts bestowed by the Powers of Evil should never be employed but for purposes of evil. Omnipotent for mischief, these obligors of the fiend were powerless for good. Such will be the compact between the Ex-Ministers, if ever they should return to power, and the only party which can then support them. That they may be masters, they must be slaves. They will be able to stand only by abject submission and by boundless profusion — by giving up the People to be oppressed, first for the profit of the Great, and then for their amusement,—by corn-laws, and game-laws, and pensions for Lord Robert, and places for Lord John.

They will return pledged to oppose every reform, to maintain a constant struggle against the spirit of the age, to defend abuses to

which the nation is every day becoming more quick-sighted. Even Mr. Peel, if, unluckily, he should at last identify himself with their faction, must restrain his propensity to innovation. Mutterings have already been heard in high places against his tendencies to liberality ; and all his schemes for the reformation of our code or our courts must be abandoned.

Then will come all those desperate and cruel expedients of which none but bad governments stand in need. The press is troublesome. There must be fresh laws against the press. Secret societies are formed. The Habeas Corpus act must be suspended. The people are distressed and tumultuous. They must be kept down by force. The army must be increased ; and the taxes must be increased. Then the distress and tumult are increased : and then the army must be increased again ! The country will be governed as a child is governed by an ill-tempered nurse,—first beaten till it cries, and then beaten because it cries !

Our firm conviction is, that if the seceders return to office, they will act thus ; and that they will not have the power, even if they should have the inclination, to act otherwise. And what must the end of these things be ? We answer, without hesitation, that, if this course be persisted in, if these counsels and these counsellors are maintained, the end must be, a revolution, a bloody and unsparing revolution—a revolution which will make the ears of those who hear of it tingle in the remotest countries, and in the remotest times. The middling orders in England are, we well know, attached to the institutions of their country, but not with a blindly partial attachment. They see the merits of the system ; but they also see its faults ; and they have a strong and growing desire that these faults should be removed. If, while their wish for improvement is becoming stronger and stronger, the government is to become worse and worse, the consequences are obvious. Even now, it is impossible to disguise, that there is arising in the bosom of that class a Republican sect, as audacious, as paradoxical,



as little inclined to respect antiquity, as enthusiastically attached to its ends, as unscrupulous in the choice of its means, as the French Jacobins themselves,—but far superior to the French Jacobins in acuteness and information—in caution, in patience, and in resolution. They are men whose minds have been put into training for violent exertion. All that is merely ornamental—all that gives the roundness, the smoothness, and the bloom, has been exsuded. Nothing is left but nerve, and muscle, and bone. Their love of liberty is no boyish fancy. It is not nourished by rhetoric, and it does not evaporate in rhetoric. They care nothing for Leonidas, and Epaminondas, and Brutus, and Cocles. They profess to derive their opinions from demonstration alone; and are never so little satisfied with them as when they see them exhibited in a romantic form. Metaphysical and political science engage their whole attention. Philosophical pride has done for them what spiritual pride did for the Puritans in a former age; it has generated in them an aversion for the fine arts, for elegant literature, and for the sentiments of chivalry. It has made them arrogant, intolerant, and impatient of all superiority. These qualities will, in spite of their real claims to respect, render them unpopular, as long as the people are satisfied with their rulers. But under an ignorant and tyrannical ministry, obstinately opposed to the most moderate and judicious innovations, their principles would spread as rapidly as those of the Puritans formerly spread, in spite of their offensive peculiarities. The public, disgusted with the blind adherence of its rulers to ancient abuses, would be reconciled to the most startling novelties. A strong democratic party would be formed in the educated class. In the lowest, and most numerous order of the population, those who have any opinions at all are democrats already. In our manufacturing towns, the feeling is even now formidably strong; and it is not strange that it should be so: For it is on persons in this station that the abuses of our system press most heavily; while its advantages, on the other hand,

are comparatively little felt by them. An abundant supply of the necessities of life is, with them, almost the only consideration. The difference between an arbitrary and a limited monarchy vanishes, when compared with the difference between one meal a-day and three meals a-day. It is poor consolation to a man who has had no breakfast, and expects no supper, that the King does not possess a dispensing power, and that troops cannot be raised in time of peace, without the consent of Parliament. With this class, our government, free as it is, is even now as unpopular as if it were despotic,—nay, much more so. In despotic states, the multitude is unaccustomed to general speculations on politics. Even when men suffer most severely, they look no further than the proximate cause. They demand the abolition of a particular duty, or tear an obnoxious individual to pieces. But they never think of attacking the whole system. If Constantinople were in the state in which Manchester and Leeds have lately been, there would be a cry against the Grand Vizier or the bakers. The head of the Vizier would be thrown to the mob, over the wall of the Seraglio—a score of bakers would be smothered in their own ovens; and everything would go on as before. Not a single rioter would think of curtailing the prerogatives of the Sultan, or of demanding a representative divan. But people familiar with political inquiries carry their scrutiny farther; and, justly or unjustly, attribute the grievances under which they labour, to defects in the original constitution of the government. Thus it is with a large proportion of our spinners, our grinders, and our weavers. It is not too much to say, that in a season of distress, they are ripe for any revolution. This, indeed, is acknowledged by all the Tory writers of our time. But all this, they tell us, comes of education—it is all the fault of the Liberals. We will not take up the time of our readers with answering such observations. We will only remind our gentry and clergy, that the question at present is not about the *cause* of the evil but about its *cure*; and

that, unless due precaution be used, let the fault be whose it may, the punishment will inevitably be their own.

The history of our country, since the peace of 1815, is almost entirely made up of the struggles of the lower orders against the government, and of the efforts of the government to keep them down. In 1816, immense assemblies were convened, secret societies were formed, and gross outrages were committed. In 1817, the Habeas Corpus Act was twice suspended. In 1819, the disturbances broke out afresh. Meetings were held, so formidable, from their numbers and their spirit, that the Ministry, and the Parliament, approved of the conduct of magistrates who had dispersed one of them by the sword. Fresh laws were passed against seditious writings and practices. Yet the following year commenced with a desperate and extended conspiracy for the assassination of the cabinet, and the subversion of the government. A few months after this event, the Queen landed. On that occasion, the majority of the middling orders joined with the mob. The effect of the union was irresistible. The Ministers and the Parliament stood aghast; the bill of pains and penalties was dropped; and a convulsion, which seemed inevitable, was averted. But the events of that year ought to impress one lesson on the mind of every public man,—that an alliance between the disaffected multitude and a large portion of the middling orders, is one with which no government can venture to cope, without imminent danger to the constitution.

A government like that with which England would be cursed, if the present Ministry should fall before the present Opposition, would render such an alliance not only inevitable, but permanent. In less than ten years, it would goad every Reformer in the country into a Revolutionist. It would place at the head of the multitude, persons possessing all the education, all the judgment, and all the habits of co-operation, in which the multitude itself is deficient. That great body is physically the most powerful in the



state. Like the Hebrew champion, it is yet held in captivity by its blindness. But if once the eyeless Giant shall find a guide to put his hand on the props of the State—if once he shall bow himself upon the pillars, woe to all those who have made him their laughing-stock, or chained him to grind at their mill!

We do, therefore, firmly believe, that, even if no external cause were to precipitate a fatal crisis, this country could not be governed for a single generation by such men as Lord Westmoreland and Lord Eldon, without extreme risk of revolution. But there are other symptoms in the body politic, not less alarming than those which we have described. In Ireland, there are several millions of Catholics, who do not love our government; and who detest, with all their heart, with all their soul, with all their mind, and with all their strength, the party now in Opposition. The accession of that party to power, would be a death-blow to their hopes of obtaining their demands by constitutional means: and we may fairly expect, that all the events which followed the recall of Lord Fitzwilliam, will take place again, on a greater and more formidable scale. One thing, indeed, we have no right to expect, that a second Hoche will be as unfortunate as the former. A civil war in Ireland will lead almost necessarily to a war with France. Maritime hostilities with France, and the clash of neutral and belligerent pretensions, will then produce war with America. Then come expeditions to Canada and expeditions to Java. The Cape of Good Hope must be garrisoned. Lisbon must be defended. Let us suppose the best. That best must be, a long conflict, a dear-bought victory, a great addition to a debt already most burthensome, fresh taxes, and fresh discontents. All these are events which may not improbably happen under any government—events which the next month may bring forth—events, against which no minister, however able and honest, can with perfect certainty provide,—but which Ministers, whose policy should exasperate the people of Ireland, would almost inevitably bring upon us. A

Cabinet formed by the Ex-ministers could scarcely exist for a year, without incensing the lower classes of the English to frenzy, by giving them up to the selfish tyranny of its aristocratical supporters, without driving Ireland into rebellion, and without tempting France to war.

There is one hope, and one hope only for our country; and that hope is in a liberal Administration,—in an Administration which will follow with cautious, but with constantly advancing steps, the progress of the public mind; which, by promptitude to redress practical grievances, will enable itself to oppose with authority and effect, the propositions of turbulent theorists; which by kindness and fairness in all its dealings with the People, will entitle itself to their confidence and esteem.

The state of England at the present moment bears a close resemblance to that of France at the time when Turgot was called to the head of affairs. Abuses were numerous; public burdens heavy; a spirit of innovation was abroad among the people. The philosophical minister attempted to secure the ancient institutions, by amending them. The mild reforms which he projected, had they been carried into execution, would have conciliated the people, and saved from the most tremendous of all commotions the church, the aristocracy, and the throne. But a crowd of narrow-minded nobles, ignorant of their own interest, though solicitous for nothing else, the Newcastles and the Salisburys of France, began to tremble for their oppressive franchises. Their clamours overpowered the mild good sense of a king who wanted only firmness to be the best of sovereigns. The minister was discarded for councillors more obsequious to the privileged orders; and the aristocracy and clergy exulted in their success.

Then came a new period of profusion and misrule. And then, swiftly, like an armed man, came poverty and dismay. The acclamations of the nobles, and the *Te Deums* of the church, grew fainter and fainter. The very courtiers muttered disapprobation.

The ministers stammered out feeble and inconsistent counsels. But all other voices were soon drowned in one, which every moment waxed louder and more terrible,—in the fierce and tumultuous roar of a great people, conscious of irresistible strength, maddened by intolerable wrongs, and sick of deferred hopes! That cry, so long stifled, now rose from every corner of France, made itself heard in the presence-chamber of her king, in the saloons of her nobles, and in the refectories of her luxurious priesthood. Then, at length, concessions were made which the subjects of Louis the Fourteenth would have thought it impious even to desire,—which the most factious opponent of Louis the Fifteenth had never ventured to ask,—which, but a few years before, would have been received with ecstasies of gratitude. But it was too late!

The imprisoned genie of the Arabian Tales, during the early period of his confinement, promised wealth, empire, and supernatural powers, to the man who should extricate him. But when he had waited long in vain, mad with rage at the continuance of his captivity, he vowed to destroy his deliverer without mercy! Such is the gratitude of nations, exasperated by misgovernment, to rulers who are slow to concede. The first use which they make of freedom is to avenge themselves on those who have been so slow to grant it.

Never was this disposition more remarkably displayed than at the period of which we speak. Abuses were swept away with unsparing severity. The royal prerogatives, the feudal privileges, the provincial distinctions, were sacrificed to the passions of the people. Every thing was given; and every thing was given in vain. Distrust and hatred were not to be thus eradicated from the minds of men who thought that they were not receiving favors but extorting rights; and that, if they deserved blame, it was not for their insensibility to tardy benefits, but for their forgetfulness of past oppression.



What followed was the necessary consequence of such a state of feeling. The recollection of old grievances made the people suspicious and cruel. The fear of popular outrages produced emigrations, intrigues with foreign courts, and, finally, a general war. Then came the barbarity of fear; the triple despotism of the clubs, the committees, and the commune; the organized anarchy, the fanatical atheism, the scheming and far-sighted madness, the butcheries of the Chatelet, and the accursed marriages of the Loire. The whole property of the nation changed hands. Its best and wisest citizens were banished or murdered. Dungeons were emptied by assassins as fast as they were filled by spies. Provinces were made desolate. Towns were unpeopled. Old things passed away. All things became new.

The paroxysm terminated. A singular train of events restored the house of Bourbon to the French throne. The exiles have returned. But they have returned as the few survivors of the deluge returned to a world in which they could recognise nothing; in which the valleys had been raised, and the mountains depressed, and the courses of the rivers changed,—in which sand and seaweed had covered the cultivated fields and the walls of imperial cities. They have returned to seek in vain, amidst the mouldering relics of a former system, and the fermenting elements of a new creation, the traces of any remembered object. The old boundaries are obliterated. The old laws are forgotten. The old titles have become laughing-stocks. The gravity of the parliaments, and the pomp of the hierarchy; the doctors whose disputes agitated the Sorbonne, and the embroidered multitude whose footsteps wore out the marble pavements of Versailles,—all have disappeared. The proud and voluptuous prelates who feasted on silver, and dozed amidst curtains of massy velvet, have been replaced by curates who undergo every drudgery and every humiliation for the wages of lackeys. To those gay and elegant nobles who studied military science as a fashionable accomplishment, and

expected military rank as a part of their birthright, have succeeded men born in lofts and cellars ; educated in the half-naked ranks of the revolutionary armies, and raised by ferocious valour and self-taught skill, to dignities with which the coarseness of their manners and language forms a grotesque contrast. The government may amuse itself by playing at despotism, by reviving the names and aping the style of the old court—as Helenus in Epirus consoled himself for the lost magnificence of Troy, by calling his brook Xanthus, and the entrance of his little capital the Scæan gate. But the law of entail is gone, and cannot be restored. The liberty of the press is established, and the feeble struggles of the minister cannot permanently put it down. The Bastile is fallen, and can never more rise from its ruins. A few words, a few ceremonies, a few rhetorical topics, make up all that remains of that system which was founded so deeply by the policy of the house of Valois, and adorned so splendidly by the pride of Louis the Great

Is this a romance ? Or is it a faithful picture of what has lately been in a neighboring land—of what may shortly be within the borders of our own ? Has the warning been given in vain ? Have our Mannerses and Clintons so soon forgotten the fate of houses as wealthy and as noble as their own ? Have they forgotten how the tender and delicate woman,—the woman who would not set her foot on the earth for tenderness and delicateness, the idol of gilded drawing-rooms, the pole-star of crowded theatres, the standard of beauty, the arbitress of fashion, the patroness of genius—was compelled to exchange her luxurious and dignified ease for labour and dependence ; the sighs of dukes and the flattery of bowing abbés for the insults of rude pupils and exacting mothers ;—perhaps, even to draw an infamous and miserable subsistence from those charms which had been the glory of royal circles—to sell for a morsel of bread her reluctant caresses and her haggard smiles—to be turned over from a garret to a hospital, and from a hospital to a parish vault ? Have they forgotten how the

gallant and luxurious nobleman, sprung from illustrious ancestors, marked out from his cradle for the highest honours of the state and of the army, impatient of control, exquisitely sensible of the slightest affront, with all his high spirit, his polished manners, his voluptuous habits, was reduced to request, with tears in his eyes, credit for half-a-crown,—to pass day after day in hearing the auxiliary verbs misrecited, or the first page of *Télémaque* misconstrued, by petulant boys, who infested him with nicknames and caricatures, who mimicked his foreign accent, and laughed at his thread-bare coat. Have they forgotten all this? God grant that they may never remember it with unavailing self-accusation, when desolation shall have visited wealthier cities and fairer gardens;—when Manchester shall be as Lyons, and Stowe as Chantilly;—when he who now, in the pride of rank and opulence, sneers at what we have written in the bitter sincerity of our hearts, shall be thankful for a porringer of broth at the door of some Spanish convent, or shall implore some Italian money-lender to advance another pistole on his George!



## STATE OF PARTIES.\*

[A Sequel to the Preceding Article.]

*Spirit of Party.* 8vo. London, 1827.

WE design to make here a few observations, by way of supplement to the Article in our last Number, which has been in several particulars†, we are sorry to find, exceedingly misunderstood in some respectable quarters, as it has certainly, we are not surprised to remark, been grossly misrepresented in others of a widely different description.

The State of Parties, and the condition of public affairs generally, is, in some respects, materially different from anything ever known in this country. For some years, indeed ever since the termination of the wars arising out of the French Revolution, the opinions favoured by sound reason, and avouched by the practical test of experience, upon all subjects of foreign and domestic policy, had been making a steady and sure, because a quiet and peaceful progress among the more intelligent parts of the community. As intelligence spread wider by the diffusion of knowledge, the dissemination of those opinions became more enlarged, and their operation upon all classes of society more efficacious. They had been making considerable advances both in France and England, during the period between the American and the French Revolutions. But the latter event had cruelly disappointed in its progress

\* Edinburgh Review, October, 1827.

† Among other mistakes, we find it ascribed to various persons, eminent statesmen and others, who, if they have ever seen it, which we know not, assuredly never could have seen it before it was published.

the hopes raised by its first fair prospects ; and the horrors of the times of Anarchy, followed by the military tyranny of Napoleon, and the dreadful wars in which he involved his country and Europe, otherwise so deeply his debtors, had stamp'd all change with the most hateful characters, and accustomed men to confound reform with rebellion, reckoning the friend of freedom and improvement, one who would sacrifice order and peace, and all established institutions, to wild extravagant speculation—a victim as it were to the love of change for its own sake. The fall of Napoleon, and the peace that followed the French Restoration, finally put down those groundless prejudices against the safest course of policy, and made an end of the calumnies so long heaped upon the best friends of order and existing establishments—those who, by tranquil amendments, would destroy all the purchase that revolutionists ever can have whereby to work their overthrow. Accordingly, the natural course of education and knowledge has silently been producing its fruits ; sound and enlightened views of policy have been gaining ground ; truth, no longer counteracted in its progress, has been making way everywhere ; and wisdom, no longer overawed by noisy clamour or childish fears, has been teaching her lessons to a willing generation.

For some years of the period on which we are looking back, the Government of this country was intrusted to the management of men, who gave it a direction widely different from the course of public opinion, and conducted it upon all the principles of the most narrow and vicious policy, as if they alone, and the engine in their hands, stood still amidst the general advance of the age. While the Finances, and indeed all the internal affairs of the State, were under the guidance of persons, whose notions were the refuse of the antiquated school ; the Foreign Minister, though not by nature deficient in liberal feelings, and certainly gifted with no common talents, and, above all, with great sagacity, had, unhappily for his country and for his reputation, become intimately connected

with the Continental Sovereigns and their chief Statesmen, and had imbibed from this intercourse a prejudice against free opinions, and a dislike of Constitutional Government, so strong as almost to renew in our political system, the exploded terrors about Jacobinism and French principles. All improvements in the Constitution of the Continental States were to be discountenanced as revolutionary : everything that could lead to a change, how slowly and peaceably soever, was to be resisted : the strong arm of absolute power was to be deemed the only security for the public peace ; and the iron hand of military force, the only means by which that arm could work its destined end. These principles soon embodied themselves in the famous League so universally dreaded at first, then detested, and since despised, under the name of the Holy Alliance. Professing only to have the intention of keeping the peace, those combined Princes, extending their union over almost all Europe, guaranteed to each other, not only the integrity of their dominions, but the unchanged existence of all their internal institutions ; and some of them having succeeded in reconquering their dominions from Napoleon, by the aid of their people, to whom they had promised a Representative Government, as the appropriate reward of a constancy worthy of freemen, Europe, with astonishment, saw those very Monarchs become parties to this combination against all improvement, as if for the very purpose of preventing themselves from redeeming pledges so sacred, and which had passed for so mighty a consideration. The wonder, however, stopt not here : The leagued Sovereigns made war at their pleasure to prevent the peace from being disturbed. Wherever a Prince was compelled or induced to adopt free institutions, the Allies marched an army to restore his absolute authority and his people's subjection ; and the formal accession of England was alone wanting to make the sway of this grand nuisance universal ; nay, to extend its claims, which were once actually preferred, over our own country. In all these unheard of proceedings, infinitely



more dangerous to National Independence than the wildest fury of the French Republic, or the mightiest projects of Napoleon himself, it was a miserable sight to behold England, once the patroness of public freedom,—the enemy of aggression,—the refuge of all oppressed nations, stoop to become the willing witness, and even the unresisting tool of the most flagitious conspiracy the world ever saw, excepting, perhaps, the high crime last perpetrated by the same despotic Princes, the partition of Poland. Yet so it was ; and such was the price we paid for our Minister having acted as our Ambassador, and kept the high company of absolute Monarchs, and their unconstitutional and irresponsible counsellors. The tone, too, of these foreign Courts was imported into our Parliament and our Cabinet ; it became customary to deride everything free and liberal as new-fangled, and low, and dangerous to good government ; men extolled all the little drivelling notions of Austrian *Hof-raths* and *Kriegs-raths*, as sound, old, well-wearing maxims, and laughed at the doctrines of the New-School, as wholly unknown to the warriors of Leipsic and Waterloo, or the negotiators of Vienna and of Aix. It is true, that our official statesmen had all this pleasantry to themselves ; they made no converts in the country ; they found neither sympathy nor support from the people ; and as often as they attempted in Parliament to countenance their favourite topic, the sorry reception they met with, seemed adjusted in a nice proportion to its intrinsic merit, and the talents by which it was recommended.

Meanwhile, upon questions of internal policy, the liberal feelings of the country generally prevailed, even in Parliamentary divisions, over the narrow views of the Court. One after another, the Government abandoned many of the most pernicious taxes and lines of mercantile policy, and at length, after long resistance, it adopted sound principles upon the important subject of reform in the system and administration of the laws. While its opponents were preparing new measures, and expecting additional triumphs at

home ; while its allies abroad were about to carry their aggressions on all national independence farther than ever, by the most iniquitous of all their measures for extirpating liberty ; the melancholy event of the minister's decease, who had erred, we believe, much more from want of foresight and deliberate reflection in the early stage of the intercourse, than from any evil designs towards liberty at any period, gave a new and happier aspect to the face of affairs in this country, as far as the Government was concerned, and eventually produced a very sensible change for the better in the policy of other powers, and in the prospects of a large portion of the world. He was succeeded by a statesman of far more enlarged views, and more brilliant talents, his inferior certainly in some of the qualities calculated to gain a following in Parliament, but worthy of all acceptance in comparison of him, because unconnected with the enemies of freedom, and committed to none of the worst principles at least of later times, by which improvement had been stifled abroad and obstructed at home. Catastrophes very different indeed, but almost equally sudden, have now deprived the country of both those statesmen ; and we may be enabled calmly to reflect upon their conduct and their merits, without heaping on the one unmerited obloquy, though, unfortunately for his fame, he died when events had brought the policy he was connected with to its lowest pitch in public consideration,—without raising altars to the other's memory, because we lost him when the system he maintained looked the fairest in all men's eyes, and dazzled them into a forgetfulness of all that had happened before.

The progress of liberal opinions was immediately and rapidly accelerated by the conduct, and still more by the language, of the Government in 1823 and the subsequent years. In a few months the disgraceful connexion with the Holy Alliance was at an end, and the further proceedings of that combination were so far checked, that it can hardly now be said to have any existence.

The recognition of the new commonwealths in South America, and the establishment of political as well as mercantile relations with them, very soon followed; the odious provisions of the Alien Bill were suffered to expire, and a restriction of little or no moment substituted in their place; and the most decisive steps were taken to defend Portugal, harassed by the intrigues, and menaced by the arms of Spain, for the crime of having accepted a Constitutional Government. At home, the policy so long recommended by the *Liberal Party* both in and out of doors, was as steadily and effectually pursued, as that which they had maintained to be the sound, and British, and statesman-like view of Foreign Affairs. Oppressive and impolitic taxes were repealed, among others the duties on law proceedings; the principles of Free Trade were adopted in many important cases, and the way was paved for extending them to all the parts of our mercantile system; some of the reforms in the Criminal Law, which Sir Samuel Romilly had so long in vain laboured to recommend, and which had been resisted with too much success till 1819, when Sir James Mackintosh, his follower in the same honourable career, carried a Committee for examining the state of that Code, were, on the principles of those enlightened individuals, taken up by their former antagonists, and received the sanction of the Legislature; nay, so harmless was the name of judicial reform become, and so popular its pursuit with both court and country, that the same persons stopt not there, but introduced improvements, though more limited in principle, into other branches of jurisprudence.

The effects produced by this fortunate and unexpected change in the conduct of the Ministry, upon the state and distribution of parties, both in Parliament and in the Country, were such as might have been expected, unless men had lost all regard for principle and consistency in their personal animosities, or in the worst abuse of party feelings. The Opposition lent their warm support to Government, as often as they saw a disposition to pursue the



sound and enlightened policy always recommended by them. Far from the despicable, unprincipled inclination to discover faults in the manner of executing designs often suggested by themselves, and thus apparently save their consistency as to measures, while they continued their opposition to the men, they were even above the feeling of jealousy which would have kept inferior minds from coming forward to grace the triumphs of a rival; they scarcely ever, certainly never but where the necessity of explaining their conduct to the public required it, reminded either the Government or the country, how long they had supported the policy, now luckily adopted in the quarter most likely to give it effect. All the while, (and we speak of some years, certainly of the Sessions 1824, 1825, and 1826, but in not a few particulars of 1823 too,) there was nothing that indicated the least understanding between the parties who had been so long opposed to each other; no appearance of any intercourse in private among their chiefs; and we believe it is universally understood that no arrangement, nor any treaty for an arrangement, had been so much as talked of in any political circle of the least importance. Indeed one symptom must remove all suspicion on this head; whensoever the measures of the Ministry were objectionable, their adversaries were at their post, as ready as ever for the strife; few more vehement debates, or with more party animation, have ever been carried on, than the discussions on the Catholic Association in 1825; and even trivial matters, from time to time, furnished fuel to maintain the heats which contending parties engender, though oftentimes separated by a narrow space.

Nevertheless, with the symptoms which we have just noted, near observers did not fail to mark others, that seemed to give prognostics of greater change, and more permanent co-operation. The Ministry were known to be much divided among themselves. One class supported the claims of the Catholics, as essentially just in themselves, and maintained the expediency of complying with

them, as necessary for the safety of the empire. Another refused upon any account even to consider this great question; they had taken their ground upon it, and from that ground they announced that no lapse of time, no change of circumstances, could move them. There seemed here a sufficient source of disunion to make a disruption of the Ministry not merely a natural, but an unavoidable event. But this was very far from being the only ground. The same parties were divided upon all the great principles of foreign and domestic policy, which having been discountenanced by the late Foreign Minister, both in the Cabinet, in his negotiations, and in Parliament, were now become the favourite maxims of his successor; but on these principles, the individuals who differed with him, were not so inflexible as upon the question, whether Ireland should be saved to the empire; and opposing him on this, on those they only thwarted him, leaving the liberal course, in all or almost all cases but the most important, to be pursued by the State. That their assent was most reluctant; that it often was extorted by the apprehension of breaking up the Ministry; that matters were frequently kept quiet by the common unwillingness of all parties to press them to extremities—not seldom by the controlling influence either of the first person in the Ministry, or the first person in the State—cannot any longer be doubted. But in the course of these altercations two parties had been formed, and differing in all questions, constant dissent had produced frequent dissensions; and, as always happens in such cases, those dissensions were not confined to things, but extended to persons, until as much of animosity, probably, and as little mutual goodwill, prevailed between the two parties that divided the Cabinet, as are found to subsist in ordinary times between the parties that divide the senate or the nation.

Another symptom not unconnected with this, was now more and more perceptible. The Opposition became less vehement, less unremitting, in proportion as the breach was supposed to widen in

the Ministry; and their support in great part, their courtesies entirely, were now given with a kind of reserve or discrimination: it was to the 'Liberal part of the Government' that they lent their aid; it was to *them* they looked for the reform of abuses; it was in *their* sound principles that they reposed confidence for the future. To give *them* encouragement in their wise and honourable course, became an object of importance for the good of the country; and aware how their opponents in the Cabinet endeavoured to hinder their progress, the Opposition employed all means for comforting and strengthening *their* hands, and enabling them to overcome the common enemy.

The year 1826 began with the measures rendered necessary by the commercial distress; and the Liberal Parties on both sides of the House agreed fully in the support of them. A Session followed, remarkable for nothing so much as its want of interest; and there had not been within the memory of man, so few points of difference between the contending parties in both Houses of Parliament. The General Election followed, and a marked distinction was everywhere to be traced in the conduct of the Opposition towards the *Liberal*, and towards the *Illiberal* 'portion of his Majesty's Government.' The new Parliament met, and the conduct pursued in Portugal, the grounds upon which it was defended, and the language so worthy of constitutional Ministers, in which that defence was couched, drew forth the most cordial and unqualified approbation from the Opposition Leaders. The period of the Christmas recess arrived, and it is perfectly certain that up to that time no arrangement whatever had been made, or even propounded, or discoursed of between the two great portions of the Liberal Party, those in office, and those in opposition.

Immediately after the recess, the noble Lord at the head of the Government was stricken with a grievous malady, which compelled him in a few weeks to resign his situation. In what



way his place should be supplied, was a question calculated to trouble his colleagues at all times ; for he had great weight with them ; and though, on Irish questions, he adopted the illiberal views of one party to the uttermost extent of impolicy and intolerance, on other matters he leant towards their adversaries, or at any rate, by his personal consideration with all, and his ancient intimacy with the leader of that side, he was enabled to preserve the Government from the violent end it so often seemed near coming to. But if the difficulty would at any time have been great, of finding a successor to that noble person, it was incalculably augmented by the present aspect of affairs abroad, and by the new balance of parties. What had been passing for some time in Parliament, above all, what had passed just before the recess, showed how infallibly the great body of the Opposition, both in and out of Parliament, that is, the only powerful party in both Houses, and an immense majority of all ranks in the country, would give their cordial support to the liberal part of the Cabinet ; and it might be safely predicted, that if Mr. Canning were placed at the head of the Government, no remains either of party or of personal animosity would interfere with their desire to give him and his friends, because of the policy they had so wisely adopted and so ably patronised, a cordial, and, if wanted, a systematic support. It was equally clear, that should they be driven out of the Ministry, a cordial and systematic co-operation would be easily established between them and those who had indeed for years been their allies. So that while, on the one hand, the Liberal part of the Cabinet could stand more triumphantly than before, should the Illiberal resign, these had not the most trifling chance of maintaining their ground, should they, by taking the upper hand, drive their adversaries from office.

If it be clear that such was the posture of affairs, the question was manifestly decided ; and it only remained for the opponents

of Mr. Canning in the Cabinet, either to submit, or to retire, should he be placed by their common Master at the head of the Government. He was plainly in a situation to dictate his own terms, while they had no power over him, either of continuing to govern without his assistance, or of opposing the Ministry he might form. Of the two courses, submission and resignation, they chose the latter, partly upon personal grounds of objection to the individual, partly upon public principles which they held widely differing from his, and which would have been betrayed, by serving under one who openly attached himself to the contrary system. Accordingly, after a short interval spent in fruitless negotiation, and in unavailing attempts to form a purely Tory Ministry—attempts wholly uncountenanced, it is believed, by the Sovereign, and which the most sagacious of themselves knew from the first to be desperate—they resigned in a body, leaving his Majesty without advisers, and the country without a Government.

Far be from us, however, any design of imputing blame to the distinguished persons who suddenly, and, it is said, without any actual concert, took this step. Their feelings of personal honour may have justified it; their differences of opinion upon fundamental points may have required it. We are quite aware of the change in the aspect of the Catholic Question, which the substituting its zealous advocate for its determined opponent, as Prime Minister, was calculated to create. Indeed, we can much more easily comprehend the enemies of that great measure feeling the impossibility of acting under Mr. Canning as their leader, both in the Government and the House of Commons, than we can understand their so long allowing him the preponderance he had in the Cabinet, with the ostensible position he occupied in Parliament, before Lord Liverpool's political demise. But there was one resignation not so easily understood upon any of those grounds, and which remains unexplained.

either by personal or political disunion; we mean Lord Melville's —whose conduct in his important office had given satisfaction; whose opinions had uniformly been upon the liberal side in all questions, Irish as well as English; and who was not understood to be separated, by any dislike, from those whose principles were his own. His retirement, therefore, while it was regretted, could only be accounted for upon the supposition of some punctilious notions of duty towards his other colleagues, or towards the Ministry, in the abstract, with which he had so long been connected; —notions certainly in nowise calculated to lessen any one's respect for him, though all might desire to see them give way after a season. Mr. Peel's retirement was also matter of some regret, because he had of late shown a disposition, worthy of all encouragement in official characters, to probe abuses both in the practice and structure of our judicial system,\* and had adopted some of

\* The Newspapers have been filled with some very singular effusions during the late progress of the Western Circuit, purporting to be charges to various Grand Juries and Petit Juries, and addresses to prisoners, both before and after conviction, and interlocutory observations during the course of trials. To these, the name of the Chief Justice of the Common Pleas is appended; and the reader is frequently tempted to believe that they must be efforts of pleasantry, as where the learned Judge tells a convict, that 'we (of course meaning the prisoner as well as the Judge) are much indebted to the salutary change of the law, whereby the punishment is now raised from seven to fourteen years' transportation.' However, be those productions genuine or not, we (and in *this* plural the learned Judge *is* certainly included) are not indebted to them in any respect whatever. They are distinguished by a great flow of language, eminently spirited, impressive, and often felicitous; by any one judicial quality they assuredly are not marked. A great magistrate, the second in England, travelling the second of its circuits, to read lectures upon what ought to be the law, which he is only sworn to administer as it is; an making every charge the vehicle of unmeasured praises heaped upon one of the leaders of a well-known political party, is not a spectacle which the friends either of the bench or of the law can take great delight in beholding. The



the principles, nay, fostered the very measures of amendment so long recommended, with boundless learning, and unwearied zeal, by the chiefs of the Liberal Party. But though Mr. Peel's conduct in leaving office might be regretted, it could not by any candid man be blamed; neither could the grounds of it be misunderstood; his resignation was widely different from Lord Melville's; he *could* not with any regard to his character, or with any kind of consistency, have remained in office, at least in the Home Department, under one so pledged to the Catholics as Mr. Canning. Until this question should be settled, his retirement from power seemed almost unavoidable, the impossibility of his friends forming a Government being admitted on all hands; and his wish to do so being to our apprehension more than problematical, as we are confident his interest in its being done is anything but doubtful; for upon almost all other questions he has espoused the more liberal policy of those whom he left in office.

We have now given the plain story of the late change, as it appears from facts known to all the world; and we have had no occasion to invoke the aid of secret history for the untying of any knotty passages. Although it has never been pretended among all the silly and the wilful mis-statements which have been put forth, that any private understanding subsisted between the Liberal Ministers and the leaders of the Opposition previous to

absurd exaggeration of all those eulogies, we are convinced, must be far more painful to the distinguished individual who is their subject than to any other person; if he is bepraised in respect of what he has done, he is also lauded for attempts not quite successful; and he is openly extolled for what others did, and not a little for what has never been done by any one. With reference to his own share of the gain derived from this circuit, he may be tempted to say—'*Pessimum inimicorum genus laudatores*'—but of his panegyrist he may truly say—'*Satis eloquentia, sapientia parum*,' and may thus explain how he has himself contributed to make of a great Advocate, a very moderate Judge.

the Easter recess, the most groundless and even ridiculous charges were advanced of perfidy and intrigue during those holidays, sometimes against the Ministers, sometimes against the Opposition. That not an instant was lost in opening a communication with the chiefs of that party, when the former Administration had been broken up, is very certain; and that such a step was as consistent with the purest honour and fair dealing in the one party, as it was with entire consistency in the other, and perfectly natural in both, no one who has honoured the preceding narrative with his attention can for a moment doubt. Great reluctance was, however, shown in the Opposition to take office. Some of the new Ministry were known to oppose the Catholic claims; some of the leading Whigs felt it impossible to join them officially; and this begot an unwillingness in those who felt no such difficulties, to become members of a Cabinet divided on so great a question, and likely to be opposed by so highly respected friends.

Happily for the country, happily for their own reputation as statesmen of firm, consistent, and manly character, those scruples were overcome. A Cabinet was formed, in which the liberal part of the former Ministry were cordially united with the leading men of the Opposition, and with two or three individuals not attached to the same views of policy, but whose very worst errors, as we must be allowed to call them, afforded, with their high stations, a security to the country against any rash and headlong attempts being made to bring about changes, which, if gradually effected, may yet remedy all the evils of our domestic situation.

The Session opened with much of complaint, and somewhat of menace. We love not to dwell on painful recollections. We are willing to hope that calmer reflection may render the retrospect for ever as unnecessary as it is unpleasing. In a very short time, the attacks upon the new Ministry were left in the hands of those, of whom, wishing to speak with all *possible* respect, we may be permitted to say, that their weight in the country, and the place

they occupy in the annals of its Council, are proportioned to their intrinsic merits; and that their adversaries must always feel contentment, if they should feel little pride, in being opposed to their hostility.

The close of the Session was speedily followed by the death of the Prime Minister,—too early for his country, though not for his own fame; and the Sovereign, in strict accordance with the universal desire of the people, directed the Government to be reconstructed upon the same principle as before. One change, though not in the Cabinet, attended this event; the command of the army was again given to its most distinguished ornament, who never, in our opinion, should have for a day stooped from the loftier height he had scaled by his wisdom, his valour, and his brilliant fortune, to join in the little details and low intrigues of vulgar politics. We have said nothing of some of the Ministers who resigned; but we suspect that no very deep affliction was suffered by the country from their loss. After the very long period during which they had lived in office, their departure could hardly be deemed untimely; and though one of those veterans retired with a great name, and all of them in the full possession of their faculties, there seemed a prevailing disposition, in the public mind, to express no sorrow for the loss, until they saw whether they could\* be worse governed by their successors. They sunk gradually into a kind of watching Opposition—a corps of observation; and one thing must be admitted on all hands, whatever opinion may be entertained of the new Opposition from the recollection of their past services, that no man looked forward to much occasion for them in their new capacity, since the new Ministry stands unrivalled by any former Government in popularity with the country, and surpassed by none in favour with the Crown.

\* In this country, we are often puzzled with *will*, and *shall*, *would*, *should*, and *could*, so we don't venture to suggest any alteration.



It must be evident to every person of ordinary understanding, and be admitted by any one of moderate candour, that, in the effectual assistance which some of the Opposition render to the new Government, by taking part in it officially, and the disinterested, though necessarily less efficient, support which others give it out of place, nothing is done by either class inconsistent with the strictest notions of party principle, or which, tried by the most rigorous standard of party duty, could be found wanting. Suppose the whole principles and distribution of political parties to have remained unaltered of late years, we affirm, nor indeed has it ever been in terms denied, that the late Coalition was framed on the most approved models known in the best times of our history.

The only justification of party unions has always been found in their necessity, sometimes for curbing the influence of the executive power, sometimes for promoting certain other principles held by the members of such associations in common, and deemed by them essential to the good of the country. Men have, through ambition, or avarice, or the other forms of selfishness, abused this privilege, or rather duty of public men; they have leagued themselves together to extort better terms from their Sovereign, their opponents, or the public; they have in reality been holding out and keeping together for some personal reasons, and not because they differed from their adversaries, and agreed among themselves in holding certain opinions—but they were never yet shameless enough to avow such motives: their profligacy has always paid the homage to political virtue, of pretending to act together because they concurred in maintaining principles different from those of other parties. Even where the ground of contention seemed the most narrow, and reduced as it were to a mere personal point, they sedulously magnified this by all the powers of refining and sophistry, if they could put forward a larger justification, and conceal the reason. Thus, when the great body of the Whigs, in

an evil hour for their public reputation and their influence in the country, joined Lord North against Lord Shelburne, and opposed the peace which they had so long been urging, they were far from admitting that the mere assumption of the Treasury by one of their number instigated them to this ill-omened step, much less that they had sacrificed their principles on the American Question to gratify their spleen against a former colleague, and obtain the highest station of power. They alleged that the new Minister had changed his principles upon the recognition of American independence; that he was resolved to screen Indian delinquency; that he owed his elevation to unconstitutional designs entertained by the Court against all the great parties of the country, for the purpose of governing more absolutely through creatures of its own. It was their adversaries who charged them with personal motives, and urged as an accusation against them, that the appointment of the Prime Minister was the real cause of their secession. Does it not follow from such principles, rather is it not a proposition of the very same purport, that when a body of men originally collected and banded against others by a political faith, in holding which it differed from them, finds all differences at an end, and former adversaries acting upon its own much cherished principles, a new line of conduct ought straightway to be pursued? Common honesty to the country, as well as a regard for consistency, requires that there should be an end of the Opposition, when there is an end of the only diversity that called for it, or indeed could justify it. Whoever would still keep aloof in such circumstances, and continue in Opposition when there is no longer any public ground of difference, plainly admits his real motives all along to have been personal and selfish, however cunningly he may have varnished them over with the pretence of principle. To this charge it is manifest the Whigs would have exposed themselves, had they held back from Mr. Canning's party, whom **they** had no tangible ground of differing with.

But we may put the case still more strongly upon mere party grounds. Coalitions have ever been held allowable, and sometimes admitted to be the duty of statesmen, when necessary to further some great object of public good. To frame a strong Government in 1757, Lord Chatham's Ministry was formed out of every conflicting party; and it carried the country to the highest pitch of glory. This precedent was cited by Mr. Fox and Mr. Burke in defence of the coalition with Lord North; and though the diversity of facts did not well justify the application, there can be no doubt of the principle in proof of which it was referred to. The coalition sought by many, to be effected between Mr. Fox and Mr. Pitt in 1784 and 1804, could only be grounded upon the necessity of giving the country a good and vigorous Government; and the junction of Lord Grenville and the Whigs in 1804, and afterwards in office, was dictated, as it was triumphantly defended, by their agreement on some great questions, and their disposition to sacrifice lesser points of opinion, and all personal considerations, to the important object of promoting those grand principles in which they coincided. But in all these cases, and in none more than the last, there were various differences of principle; not only were Whig and Tory, Alarmist and Reformer, to coalesce; but during the war, and for the sake of carrying it on to a better issue, they who were the authors of it, were united with its constant and sturdy opponents. Yet all men approved of the union, because lesser things should yield to greater, and upon one or two great questions there was a fortunate concurrence of opinion. It would be very difficult, however, in the present case, to find the subject upon which the new allies did not agree—Catholic Question—Currency—Free Trade—Judicial Reform—Foreign Policy—South American Independence—on all these they had for years fought side by side; on all these they had been combating together against the Ministers who lately resigned; while, with the exception of Parliamentary Reform, upon which



the members of the same party differed among themselves, there was not a single practical point of dissension to be described. Any two, almost any one of those great subjects was important enough to justify a union, even had the parties differed upon most of the others; but when the agreement extended over the whole, can any man seriously maintain that it was not their duty to coalesce, if their cordial co-operation could alone secure the success of their common principles, and the exclusion from power of their common adversaries?

It has been said, that there is in the Cabinet, as now composed, an admixture of members unfavourable to the Catholic Claims, and reports have reached us of very strong, but not perhaps very well considered objections being taken on this head. Beside our former general argument, we shall content ourselves with two observations in reply. The first is, that three members in the whole Cabinet, and these in no way connected, either with the head of the Administration, or with the management of Irish affairs, do not alter the features of tolerance and liberality impressed upon it by the union which has created the rest of the body. The other is, that such a criticism proceeds with a strange air from the ancient friends and associates of Mr. Fox, who, in 1783, took office with Lord Shelburne, differing from him, as he afterwards avowed, on many points, and extremely reluctant ever to join him, and with Lord Thurlow, whom he had all his life been opposing upon all points, and who had held the Great Seal during the American war. But still more marvellous is such a remark from any who held office in Mr. Fox's last Administration! Is it really forgotten already how the Cabinet of 1806 was composed? There was at its head Lord Grenville—the colleague and kinsman of Mr. Pitt—the main promoter of the first war, and instigator to the second—the author of the letter to Bonaparte, which prolonged it from 1800—the staunch enemy of reform—the avowed friend and protector of the Wellesleys in India. Against him were to

be set Mr. Fox and Mr. Grey, peacemakers, reformers, managers of Indian Impeachments. Then came Mr. Windham and Lord Fitzwilliam, the administrators of Mr. Burke's fury, as their new colleagues had often termed them, and going as much beyond the Grenvilles in hatred of peace, as they exceeded the Foxites in fondness of war. It is true, that all these great men strenuously supported the Catholic Claims; but those claims were as vehemently opposed by other members of the Cabinet, by Lord Ellenborough, and by Lord Sidmouth, whose former accession to office had been expressly grounded upon his hostility to the question. Yet the exigencies of the State induced Mr. Fox and Mr. Grey to form parts of this Cabinet, where the interest of Ireland was so little consulted, that by common consent the subject was not to be mentioned, unless in order to bring forward a small measure, no sooner attempted than abandoned. It is true, that one great and righteous deed was done, in spite of all the divisions which variegated the aspect of this motley piece of Cabinet-making; they abolished the Slave Trade; but not because they agreed upon this any more than upon those penal laws which they left unrepealed; for Lord Sidmouth, Lord Moira, and Lord Fitzwilliam, were determined enemies of the measure, and Mr. Windham was perhaps the most zealous of all its antagonists, not to be a planter.\*

We have been meeting the two opposite objections made to the late coalition, by two very different classes of adversaries, the High Tories, who exclaimed against it as an unnatural and unprincipled league for power, at the expense of constancy; and a few much respected members of the old Whig party, whose accusations were less precise, but who seemed to dislike it only because persons once their antagonists formed a branch of it; an objection to which

\* It will not be supposed that we are painting the Administration of 1806 as we ourselves view it: we are showing in what light the facts would justify its enemies in now representing it, upon the grounds on which some of its members are opposing the present Government.

every coalition must be equally liable. The answer to all these attacks is plain and simple. The inconsistency would have been in men continuing the conflict when they were no longer divided in their sentiments; the unnatural conduct would have been for men to attack their natural allies and join their natural enemies the disregard of principle would have been shown by those who sacrificed their public duty to personal views, and regardless of their pledged opinions, sought the gratification of personal feelings, not the less personal, nor the more amiable, because they were those of hatred, jealousy, or vexation.

But suppose we come down to a more humble level in the argument, and listen to the suggestion, why did the Whigs join Mr. Canning, when, by holding out, they must have occasioned a total change? We are far from being satisfied that such a change was preferable to the united Ministry; we are sure the union was more acceptable to the country as well as to the court; but we answer the question as it is put, and after the manner of our nation, we answer it by propounding another—What was to hinder Mr. Canning from joining his former colleagues, and submitting to fill a second place, a submission which the Whigs would then have forced him to? If he found himself disappointed in the estimate he had formed of his new allies; if he found that all their regard for their common principles could not overcome their selfish lust of power, or mitigate their equally selfish hatred of him, had he not a right to distrust them, and to prefer any government which perpetuated their exclusion? Then, suppose he had been driven out of office, was there no chance of his rejoining his former colleagues, and no possibility of this union effecting at court the downfall of a party, which had showed so little moderation as to gain no credit with the Sovereign, and so little regard for its long professed principles, as to lose all respect in the country? As for the only other event that can be stated, it may be spoken of, but it surely cannot be conceived possible; we allude to the Whigs



joining those ministers who had resigned, and uniting with them in opposing their liberal colleagues. We at once pronounce so prodigious an inconsistency impossible. It would have been abandoning all their principles either to storm the government, or spite a former opponent, whose recent conduct upon all great questions of policy they had loudly applauded. It was as impossible for them to think of such a course, as it now would be for those most eminent and respected individuals, whose alienation from the government we join the whole country in deploring, to unite themselves with men, whom they differ from upon every question of public policy, and to seek with them the overthrow of a Ministry, all whose principles they profess.

In the remarks which we have made, nothing, we trust, has escaped us, tending to evince the least disrespect for the principles of party, so essential to the existence of a free government. Those attachments arising from similarity of principle, are in truth the very ground-work of our argument. They have in all good times, and among the best men, been held pure and patriotic bonds of union; honourable to the individuals, profitable to the commonwealth. Nevertheless, it is impossible to deny, that in proportion as the body of the people become more enlightened, and take a more constant interest in the management of their own affairs, such combinations becoming less necessary, lose somewhat of the public favour; and we believe that at no period of our history, did, what is called 'Party,' enjoy less popularity and exert less influence with the bulk of the community. It may indeed be affirmed with safety, that the efforts and the personal weight of individuals, have, of late years, done far more to keep alive the power and authority of Parties, than the influence of party has done for the protection of their particular members. A new casting also of political sects has taken place; the distinctions, and almost the names, of Loyalist and Jacobin, Whig and Tory, Court and Country Faction, are fast wearing away. Two great divisions

of the community will, in all likelihood, soon be far more generally known; the *Liberal* and the *Illiberal*, who will divide, but we may be sure most unequally, the suffrages of the Nation.

Nor is it in name only that this arrangement will be new; the people will be differently distributed; the coalition, which has been gradually forming among the public men whose personal respect and mutual confidence has brought about so fortunate a union, extends to the community at large. Some of the older questions, by which Whig and Tory were wont to be divided, retain all their importance; but, upon these, the Liberal party, of whatever denomination, are well agreed. Indeed, it used to be a saying of Mr. Wilberforce, when he regarded the importance of those questions, compared with the ones they still differed about, that he would not answer to the name of Tory; conveying thereby, as that great man is wont, a lesson of his mild wisdom with the relish of attractive and harmless wit. The only consequence with respect to doctrines which such a junction can produce, is likely to be beneficial both to the State and to the progress of sound opinion. Extremes will be avoided; alterations in our system will be gradual; and the only risk which the existence, or the measures of a Liberal Government could run, will be avoided—that of a reaction against them,—when it is distinctly perceived by all men, that we are governed by individuals, whose great parts are under the control of sound discretion, and whose conduct is, in all things, **tempered with the moderation of practical wisdom.**

## SPEECH IN THE HOUSE OF COMMONS,

APRIL 5, 1830,

*On the "Bill to Repeal the Civil Disabilities affecting British-born Subjects professing the Jewish Religion."*

IN spite of the parallel which my hon. friend (the member for Oxford) has attempted—I think in vain—to draw between this case and the Roman Catholic measure before the House during the last Session of Parliament, I trust that we shall not have to forego the votes of many of those hon. Gentlemen who in the last Session were opposed to the concession of the Catholic claims. Indeed, many of those Gentlemen will be precluded, by the course they then took, from offering any opposition to the present measure. The general principle of religious toleration was involved in the question of last year, as it is now: but most of those Gentlemen who voted against the Roman Catholics declared in favour of this general principle, only they found that there were special circumstances which took the case of the Roman Catholics out of the pale of that principle. But, Sir, there are no such circumstances here. In this instance, there is no foreign power to be feared. There is no divided allegiance threatening the State—there are no bulls—there are no indulgencies—there are no dispensations—there is no priesthood exercising an absolute authority over the consciences of those who are under their spiritual control—there are no agitators rousing and exciting the people to a course contrary to all good government—there are no associations assembling, or



charged with assembling, for the purpose of assuming a power which ought only to belong to legally recognized functionaries—there are no mobs, disciplined to their task, and almost in the regular training of arms—there is no rent levied with the regularity of a tax. It was the fashion last year to declaim about a government that yielded to clamor, opposition, or threats, having betrayed the sacredness of its office, but there can be none such here; for even those most opposed to the present measure cannot deny that the Jews have borne their deprivations long in silence, and are now complaining with mildness and decency. As a contrast to this, the Roman Catholics were always described as an insinuating, restless, cunning, watchful sect, ever on the search how they might increase their power and the number of their sect, pressing for converts in every possible way, and only withheld by the want of power from following up their ancient persecutions. But the sect with which we now have to deal are even more prone to monopolize their religion than the others are to propagating the Catholic faith. Never has such a thing been heard of as an attempt on the part of the Jews to gain proselytes; and we may conclude, that with such rites and forms as belong to their faith, it could scarcely be expected by any one that a scheme of proselytism could succeed with them. Be that, however, as it may, it is a thing at which they never appear to have aimed. On the contrary, they have always discouraged such an idea. Let the history of England be examined, and it will furnish topics enough against the Catholics. Those who have looked for such things have always found enough to talk about as to the crimes they have committed: the fires in Smithfield—the Gunpowder Plot—the Seven Bishops—have always afforded copious matter upon which to launch out in invective against the Catholics. But with respect to the Jews, the history of England affords events exactly opposite: its pages, as to these people, are made up of wrongs suffered and injuries endured by them, without a trace of any wrong or

injury committed in return ; they are made up, from the beginning to the end, of atrocious cruelties inflicted on the one hand, and grievous privations endured for conscience-sake on the other. With respect to all Christian sects, their changes of situation have always afforded scope for charges of mutual recrimination against one another ; but every one allows the side on which the balance between the Jew and the Christian is weighed down. As to the opposition offered to this Bill by my hon. friend, I am at a loss to see on what he has grounded it, unless he takes the broad principle, that no one who is not a Christian is to be entrusted with power, as his rule of action ; I am at a loss to see how he can refuse his assent to or oppose this measure without throwing himself open to the charge of inconsistency. If this Bill, like the Roman Catholic one of last Session, is to be opposed, it is condemning the strong and the weak, the violent and the patient, the proselyting and the exclusive, the political and the religious. If this is the course that is to be taken for our guide, persecution will never want an excuse, and the wolf will ever be able to invent a pretence to bear down and destroy the lamb. If this is to be the maxim set up for our land-mark, it will soon appear that every thing may be a reason with the aggressor, as every thing is shown to be a crime in the aggrieved. In all the opposition that was lately evinced against the Catholics, it was never once assumed or pretended that the opposition was religious ; it was political, and nothing else. When the object was to excite ill blood and rancour in the country—when red-hot speeches and tub-sermons went forth on the subject, the people were told that the question was, whether they should be compelled to worship stocks and stones, instead of the true God ? But this was a point of view never alluded to by the more distinguished and candid opponents of the Catholic claims. I myself remember having heard the Earl of Eldon declare that it was not on religious but on political grounds, that he was opposed to the measure. The question, just at that time

under consideration was that of Transubstantiation ; and the noble and learned Lord observed that it was not because the Catholics believed in the real presence that they were objected to, but that being the test by which they were kept out, they were through that kept out, because they were not good subjects. But now the whole case is changed. Political objection is fairly given up ; and in its place religious persecution is avowed. In all that my hon. friend, the member for Oxford, has offered to the House, I have traced but two political objections ; and neither of them appears to me to be entitled to the weight which my hon. friend would give to them. The first political argument that my hon. friend has adduced against this measure is, that the Jews of this country are more attached to their nation—wandering and scattered as they are over the face of the earth—than they are to the people of England. The only answer that I shall offer to this, is, that at all events it is exceedingly unfair to lay down this as an objection till we have tried the experiment whether, by making Englishmen of them, they will not become members of the community. Till that has been done, all we can say is, that as long as they are not Englishmen they are nothing but Jews. The other objection of my hon. friend appears to me to be more extraordinary still. He says that if this measure be granted, the power of the Jews will be such that they will come into Parliament in a much greater number than is proportioned to their relative number in the country, and the consequence of this will be to destroy the present system of representation, which will be rendered odious to the people, and a reform in Parliament must ensue. All that I can see in this argument is, that the Jews will not get into Parliament, because we are labouring under a bad system of representation. At all events, the system that we have at present must be either good or bad. If the system is bad, it is evident that the sooner we get rid of it the better. If the system is good, why should we complain of that to which it naturally tends ? These objections seem to be the only



political objections that my hon. friend has urged against the measure now before the House, and all the rest may be characterised as purely religious persecution. But even when my hon. friend has brought himself to that, he does not pretend to say that he opposes the Bill because the religion of the Jews is dangerous. No such pretence is put forth at all. No such outcry as that raised last session is heard now. The opposition which has made its appearance now is, if I may use the phrase without giving offence to my hon. friend, nothing but the offal—nothing but the leavings of the intolerance which was so abundant last year. All that the House has been told is, that the Jews are not Christians, and that therefore they must not have power. But this has not been declared openly and ingenuously, as it once was. Formerly the persecution of the Jews was at least consistent. The thing was made complete once by taking away their property, their liberty, and their lives. My hon. friend is now equally vehement as to taking away their political power; and yet, no doubt, he would shudder at what such a measure would really take away. The only power that my hon. friend seems to wish to deprive the Jews of is to consist in maces, gold chains, and skins of parchment, with pieces of wax dangling at the ends of them. But he is leaving them all the things that bestow real power. He allows them to have property, and in these times property is power, mighty and overwhelming power—he allows them to have knowledge, and knowledge is no less power. Then why is all this power poisoned by intolerance? Why is the Jew to have the power of a principal over his clerk—of a master over his servant—of a landlord over his tenant? Why is he to have all this, which is power, and yet to be deprived of the fair and natural consequences of this power? Why, having conceded all this, is my hon. friend afterwards to turn round and say, “You shall have all these real effects and advantages of your situation, but in the fair sequence of their possession, you shall be crippled and borne down.” As things now

stand, a Jew may be the richest man in England—he may possess the whole of London—his interest may be the means of raising this party or depressing that—of making East-India directors, or sending members into Parliament—the influence of the Jew may be of the first consequence in a war which shall be the means of shaking all Europe to its centre. His power may come into play in assisting or retarding the greatest plans of the greatest Princes ; and yet, with all this confessed, acknowledged, undenied, my hon. friend would have them deprived of power ! If, indeed, my hon. friend would have things thus arranged, I would put a question to him thus :—Does he not think that wealth confers power ? If it do, can he be prepared to say that the Jews shall not have power ? If it do not, where are we to draw the line ? How are we to permit all the consequences of their wealth but one ? I cannot conceive the nature of an argument that is to bear out such a position. If it was to be full and entire persecution, after the consistent example of our ancestors, I could understand it. If we were called on to revert to the days, when, as a people, they were pillaged—when their warehouses were torn down—when their every right was sacrificed, the thing would be comprehensible. But this is a delicate persecution, with no abstract rule for its guidance. As to the matter of right, if the word “legal” is to be attached to it, I am bound to acknowledge that the Jews have no legal right to power ; but in the same way, 300 years ago, they had no legal right to be in England ; and 600 years ago they had no right to the teeth in their heads : but if it is the moral right we are to look at, I say, that on every principle of moral obligation, I hold that the Jew has a right to political power. Every man has a right to all that may conduce to his pleasure, if it does not inflict pain on any one else. This is one of the broadest maxims of human nature, and I cannot therefore see how its supporters can be fairly called upon to defend it—the *onus probandi* lies, not on the advocates of freedom, but on the advocates of restraint. Let my hon. friend first show that

there is some danger—some injury to the State, likely to arise from the admission of the Jews, and then will be the time to call upon us to answer the case that he has made out. Till such an argument, however, is fully made out, I shall contend for the moral right of the Jews. That they wish to have access to the privilege of sitting in Parliament has already been shown; it now remains to show that some harm is calculated to result from that admission. Unless this is shown, the refusal is neither more nor less than persecution. My hon. friend put a different interpretation upon the particular word I have used; but the meaning will still remain the same; and when we come to define the sense, it must be found, that we are only quibbling about a word. Any person may build a theory upon phrases: with some, perhaps, burning would be persecution, while the screwing of thumbs would not be persecution; others may call the screwing of thumbs persecution, and deny the justice of that expression when used to whipping. But according to my impression, the infliction of any penalties on account of religious opinions, and on account of religious opinions alone, is generally understood as coming within the meaning of the term, for all the purposes of political argument. It is as much persecution in principle as an *auto da fé*, the only difference is in degree. Defining persecution, then, as I do, I cannot conceive any argument to be adduced in favour of the mildest degree of this injustice, which, logically speaking, though not morally, indeed, might not be used with equal force in favour of the most cruel inflictions from similar motives. I have to make my apology for having occupied so much of the time of the hon. gentlemen present; but I could not refrain from making known my sentiments to this House of Commons, which has done more for the rights of conscience than any Parliament that ever sat. Its sessions of 1828 and 1829 have been marked by a glorious course in favour of religious liberty; and I hope that, before our separation, this Session of 1830 will put the



finishing hand to that work which so many great and good men wish to see accomplished, but which cannot be, till this most desirable measure shall be carried into effect.

NOTE. In his speech on this subject, which followed, Sir James Macintosh said, "The speech which they had heard from his Honourable and Learned Friend was one which, he had no doubt, would make its full impression on the House, it being every way worthy of the name he bore."

## SLAVERY IN THE WEST INDIES.\*

DEC. 13, 1830.

*On the Presentation of a Petition from West India Planters, and others interested in Property in the West Indies.*

IF the petitioners who ask for compensation, and if the noble Marquis who presented the petition, and the hon. Member who spoke last but one, had confined themselves to the subject of compensation, he should not have thought it necessary to say one word on the subject. He thought—he believed the public also thought—that compensation ought to be given. He agreed with the noble Lord and the hon. Gentleman, and he agreed, too, with the petitioners, that whenever slavery was extinguished, all the loss of property which might arise should be made good by the Government. He agreed in this opinion, not because he agreed with what fell from the hon. Member for Dumfries, which, by the by, he did not understand, about the compact of society. He did not see from that species of metaphysical argument how protection for property was necessary; but it was found by experience that it was bad for men that property should not be secured, and that great inconvenience resulted from violating property, and on that ground, it was said, that men ought to have their property protected. After the public had declared, by Acts of Parliament, that men should be property, after they had been bought and sold, deposited as pledges, and made to answer for dowers, great inconvenience would result from taking away that species of property, and the masters and

owners ought to be compensated. He declared, that he thought, in common with most of those who petitioned the House, that slavery ought to be extinguished ; but he and the petitioners all contemplated, on its extinction, giving a reasonable compensation to the masters of slaves. If, therefore, the noble Lord and the hon. Gentleman had confined themselves to compensation, which he admitted was just, he should not have said one word on the subject ; but they had mingled other matters with that which he always wished to see separated from it. He agreed that exaggeration could not do any good, and he regretted, as much as the noble Lord and the hon. Member for Dumfries, that either anger or exaggeration should have been displayed on either side. It was a charge against the petitions for the abolition, that they were all got up under the influence of the Anti-Slavery Society. The petitions were got up under that influence—was that extraordinary ? Who should inform the people of England, busily employed in their own domestic occupations, of what occurred in the West Indies, if some such Society did not undertake the task ? But the influence the Society possessed was over the public mind. It had no other. It appealed to the public reason. It had no monopoly of the public Press. Its reports and proceedings were open to cavil and objection. The periodical literature was as much in the hands of the West Indians as their opponents. Magazines and Reviews were on their side ; of celebrated works, he believed that *The Quarterly Review* had always been in their favour. He did not believe that there was one of those periodical publications which were most read—he meant the newspapers—he did not believe that there was one of the London newspapers that was fully and completely on the side of the abolitionists. The organs of the West-India body were as numerous as those of the other side, and their funds were at least equal to those of the Anti-Slavery Society. It was not long ago that the West-India body gave as much to one writer as the Anti-Slavery Society received and employed in a year. The fact



was, that the West-India body was in the wrong. All men were active to embrace the opposite opinions. They had been progressively gaining ground, and all the efforts of the West-Indians had failed to stem the tide of public opinion. They had been trying since 1802, and were carried further and further away every year from their object. The public feeling since that time had ebbed and flowed somewhat, but, on the whole, it had been much strengthened. After every ebb it had only run upwards with double vigour. It required that slavery should be abolished; it required, in the interest of the West-Indians themselves, as well as in the interest of the slaves, and in the interest of the country generally, that the question should be brought to a speedy conclusion, and that the slaves should be emancipated. The petitions, it was said, were violent; but, though nobody supposed violence was good, what good cause had escaped being disfigured by violence? The Christian religion itself at its origin was disfigured by many pious frauds, and fanatics then abounded. Such was the case, too, at the Reformation, and much violence was instrumental in bringing it to a conclusion. For his part, he did not charge the West-India body with the calumny that was uttered against the abolitionists. The body, he knew, contained many honourable men, who were free from all suspicion of such a charge, and who scouted as much as any honourable men could, those people who lived by slander and traded in violent abuse, and in whom the ideas of calumny and their dinner were inseparably associated. He would do justice to the West-Indians, and let them do justice to their opponents. Let neither party recriminate any longer. Let them all consider the matter like statesmen and legislators. Let them ask themselves, was there any evil, and was there a remedy for it? Were they the people who ought to apply the remedy, and was this the time? If this were the time, and they were the people, he would implore them to apply the remedy. He saw that there were many difficulties in the way of it; but he

thought those difficulties would readily vanish if the subject were taken up by statesmen of a capacious intellect and resolute heart. The statesmen who had lately taken office were of that character: in them he had great confidence, and he had no doubt that they would bring forward the question in a proper manner. When it was brought forward, he, for one, wished that it should be with a view to extinguish the system of slavery; but he wished it brought forward carefully, with temperance, avoiding all causes of irritation, and all violence of language; he wished the question looked at as a whole, and that it should be discussed with a sincere desire to come to a calm and deliberate decision, and to do every interest justice.

## ON PARLIAMENTARY REFORM.\*

MARCH 2, 1831.

*In the adjourned Debate on the motion, "that leave be given to bring in a Bill to amend the Representation of the people of England and Wales."*

It is a circumstance, Sir, of happy augury for the measure before the House, that almost all those who have opposed it have declared themselves altogether hostile to the principle of Reform. Two Members, I think, have professed, that though they disapprove of the plan now submitted to us, they yet conceive some alteration of the Representative system to be advisable. Yet even those Gentlemen have used, as far as I have observed, no arguments which would not apply as strongly to the most moderate change, as to that which has been proposed by his Majesty's Government. I say, Sir, that I consider this as a circumstance of happy augury. For what I feared was, not the opposition of those who shrink from all Reform,—but the disunion of reformers. I knew, that during three months every reformer had been employed in conjecturing what the plan of the Government would be. I knew, that every reformer had imagined in his own mind a scheme differing doubtless in some points from that which my noble friend, the Paymaster of the Forces, has developed. I felt therefore great apprehension that one person would be dissatisfied with one part of the Bill, that another person would be dissatisfied with another part, and that thus our whole strength would be wasted



in internal dissensions. That apprehension is now at an end. I have seen with delight the perfect concord which prevails among all who deserve the name of reformers in this House, and I trust that I may consider it as an omen of the concord which will prevail among reformers throughout the country. I will not, Sir, at present express any opinion as to the details of the Bill; but having during the last twenty-four hours, given the most diligent consideration to its general principles, I have no hesitation in pronouncing it a wise, noble, and comprehensive measure, skilfully framed for the healing of great distempers, for the securing at once of the public liberties and of the public repose, and for the reconciling and knitting together of all the orders of the State. The hon. Baronet (Sir John Walsh) who has just sat down has told us, that the Ministers have attempted to unite two inconsistent principles in one abortive measure. He thinks, if I understand him rightly, that they ought either to leave the representative system such as it is, or to make it symmetrical. I think, Sir, that they would have acted unwisely if they had taken either of these courses. Their principle is plain, rational, and consistent. It is this,—to admit the middle class to a large and direct share in the Representation, without any violent shock to the institutions of our country [*hear!*] I understand those cheers—but surely the Gentlemen who utter them will allow, that the change made in our institutions by this measure is far less violent than that which, according to the hon. Baronet, ought to be made if we make any Reform at all. I praise the Ministers for not attempting, under existing circumstances, to make the Representation uniform—I praise them for not effacing the old distinction between the towns and the counties,—for not assigning Members to districts, according to the American practice, by the Rule of Three. They have done all that was necessary for the removing of a great practical evil, and no more than was necessary. I consider this, Sir, as a practical question. I rest my opinion on no general theory of

government—I distrust all general theories of government. I will not positively say, that there is any form of polity which may not, under some conceivable circumstances, be the best possible. I believe that there are societies in which every man may safely be admitted to vote [*hear!*] Gentlemen may cheer, but such is my opinion. I say, Sir, that there are countries in which the condition of the labouring classes is such that they may safely be intrusted with the right of electing Members of the Legislature. If the laborers of England were in that state in which I, from my soul, wish to see them,—if employment were always plentiful, wages always high, food always cheap,—if a large family were considered not as an encumbrance, but as a blessing—the principal objections to Universal Suffrage would, I think, be removed. Universal Suffrage exists in the United States without producing any very frightful consequences; and I do not believe, that the people of those States, or of any part of the world, are in any good quality naturally superior to our own countrymen. But, unhappily, the lower orders in England, and in all old countries, are occasionally in a state of great distress. Some of the causes of this distress are, I fear, beyond the control of the Government. We know what effect distress produces, even on people more intelligent than the great body of the laboring classes can possibly be. We know that it makes even wise men irritable, unreasonable, and credulous—eager for immediate relief—heedless of remote consequences. There is no quackery in medicine, religion, or politics, which may not impose even on a powerful mind, when that mind has been disordered by pain or fear. It is therefore no reflection on the lower orders of Englishmen, who are not, and who cannot in the nature of things be highly educated, to say that distress produces on them its natural effects, those effects which it would produce on the Americans, or on any other people,—that it blunts their judgment, that it inflames their passions, that it makes them prone to believe those who flatter them, and to distrust those who

would serve them. For the sake, therefore, of the whole society, for the sake of the labouring classes themselves, I hold it to be clearly expedient, that in a country like this, the right of suffrage should depend on a pecuniary qualification. Every argument, Sir, which would induce me to oppose Universal Suffrage, induces me to support the measure which is now before us. I oppose Universal Suffrage, because I think that it would produce a destructive revolution. I support this measure, because I am sure that it is our best security against a revolution. The noble Paymaster of the Forces hinted, delicately indeed and remotely, at this subject. He spoke of the danger of disappointing the expectations of the nation; and for this he was charged with threatening the House. Sir, in the year 1817, the late Lord Londonderry proposed a suspension of the Habeas Corpus Act. On that occasion he told the House, that, unless the measures which he recommended were adopted, the public peace could not be preserved. Was he accused of threatening the House? Again, in the year 1819, he brought in the bills known by the name of the Six Acts. He then told the House, that, unless the executive power were reinforced, all the institutions of the country would be overturned by popular violence. Was he then accused of threatening the House? Will any Gentleman say, that it is parliamentary and decorous to urge the danger arising from popular discontent as an argument for severity; but that it is unparliamentary and indecorous to urge that same danger as an argument for conciliatory measures? I, Sir, do entertain great apprehension for the fate of my country. I do in my conscience believe, that unless this measure, or some similar measure, be speedily adopted, great and terrible calamities will befall us. Entertaining this opinion, I think myself bound to state it, not as a threat, but as a reason. I support this measure as a measure of Reform: but I support it still more as a measure of conservation. That we may exclude those whom it is necessary to exclude,



we must admit those whom it may be safe to admit. At present we oppose the schemes of revolutionists with only one half, with only one quarter of our proper force. We say, and we say justly, that it is not by mere numbers, but by property and intelligence, that the nation ought to be governed. Yet, saying this, we exclude from all share in the government vast masses of property and intelligence,—vast numbers of those who are most interested in preserving tranquillity, and who know best how to preserve it. We do more. We drive over to the side of revolution those whom we shut out from power. Is this a time when the cause of law and order can spare one of its natural allies? My noble friend, the Paymaster of the Forces, happily described the effect which some parts of our representative system would produce on the mind of a foreigner, who had heard much of our freedom and greatness. If, Sir, I wished to make such a foreigner clearly understand what I consider as the great defects of our system, I would conduct him through that great city which lies to the north of Great Russell-street and Oxford-street,—a city superior in size and in population to the capitals of many mighty kingdoms; and probably superior in opulence, intelligence, and general respectability, to any city in the world. I would conduct him through that interminable succession of streets and squares, all consisting of well-built and well-furnished houses. I would make him observe the brilliancy of the shops, and the crowd of well-appointed equipages. I would lead him round that magnificent circle of palaces which surrounds the Regent's-park. I would tell him, that the rental of this district was far greater than that of the whole kingdom of Scotland, at the time of the Union. And then I would tell him, that this was an unrepresented district! It is needless to give any more instances. It is needless to speak of Manchester, Birmingham, Leeds, Sheffield, with no representation; or of Edinburgh and Glasgow with a mock representation. If a property-tax were now imposed on the old

principle, that no person who had less than 150*l.* a year should contribute, I should not be surprised to find, that one-half in number and value of the contributors had no votes at all; and it would, beyond all doubt, be found, that one-fiftieth part in number and value of the contributors had a larger share of the representation than the other forty-nine fiftieths. This is not government by property. It is government by certain detached portions and fragments of property, selected from the rest, and preferred to the rest, on no rational principle whatever. To say that such a system is ancient is no defence. My hon. friend, the member for the University of Oxford (Sir R. Inglis), challenges us to show, that the Constitution was ever better than it is. Sir, we are legislators, not antiquaries. The question for us is, not whether the Constitution was better formerly, but whether we can make it better now. In fact, however, the system was not in ancient times by any means so absurd as it is in our age. One noble Lord (Lord Stormont) has to-night told us, that the town of Aldborough, which he represents, was not larger in the time of Edward I. than it is at present. The line of its walls, he assures us, may still be traced. It is now built up to that line. He argues, therefore, that, as the founders of our representative institutions gave Members to Aldborough when it was as small as it now is, those who would disfranchise it on account of its smallness have no right to say, that they are recurring to the original principle of our representative institutions. But does the noble Lord remember the change which has taken place in the country during the last five centuries? Does he remember how much England has grown in population, while Aldborough has been standing still? Does he consider, that in the time of Edward I. this part of the island did not contain two millions of inhabitants? It now contains nearly fourteen millions. A hamlet of the present day would have been a place of some importance in the time of our early Parliaments. Aldborough may be absolutely as considerable a place as ever

But compared with the kingdom, it is much less considerable, by the noble Lord's own showing, than when it first elected burgesses. My hon. friend, the member for the University of Oxford, has collected numerous instances of the tyranny which the kings and nobles anciently exercised, both over this House, and over the electors. It is not strange, that, in times when nothing was held sacred, the rights of the people, and of the Representatives of the people, should not have been held sacred. The proceedings which my hon. friend has mentioned, no more prove, that, by the ancient constitution of the realm, this House ought to be a tool of the king and of the aristocracy, than the Benevolences and the Ship money prove their own legality; or than those unjustifiable arrests, which took place long after the ratification of the great Charter, and even after the Petition of Right, prove that the subject was not anciently entitled to his personal liberty. We talk of the wisdom of our ancestors—and in one respect at least they were wiser than we. They legislated for their own times. They looked at the England which was before them. They did not think it necessary to give twice as many Members to York as they gave to London, because York had been the capital of Britain in the time of Constantius Chlorus; and they would have been amazed indeed if they had foreseen, that a city of more than a hundred thousand inhabitants would be left without Representatives in the nineteenth century, merely because it stood on ground which, in the thirteenth century, had been occupied by a few huts. They framed a representative system, which was not indeed without defects and irregularities, but which was well adapted to the state of England in their time. But a great revolution took place. The character of the old corporations changed. New forms of property came into existence. New portions of society rose into importance. There were in our rural districts rich cultivators, who were not freeholders. There were in our capital rich traders, who were not liverymen. Towns shrank into villages,



Villages swelled into cities larger than the London of the Plantagenets. Unhappily, while the natural growth of society went on, the artificial polity continued unchanged. The ancient form of the representation remained; and precisely because the form remained, the spirit departed. Then came that pressure almost to bursting—the new wine in the old bottles—the new people under the old institutions. It is now time for us to pay a decent, a rational, a manly reverence to our ancestors—not by superstitiously adhering to what they, under other circumstances, did, but by doing what they, in our circumstances, would have done. All history is full of revolutions, produced by causes similar to those which are now operating in England. A portion of the community which had been of no account, expands and becomes strong. It demands a place in the system, suited, not to its former weakness, but to its present power. If this is granted, all is well. If this is refused, then comes the struggle between the young energy of one class, and the ancient privileges of another. Such was the struggle between the Plebeians and the Patricians of Rome. Such was the struggle of the Italian allies for admission to the full rights of Roman citizens. Such was the struggle of our North American colonies against the mother country. Such was the struggle which the *Tiers Etat* of France maintained against the aristocracy of birth. Such was the struggle which the Catholics of Ireland maintained against the aristocracy of creed. Such is the struggle which the free people of colour in Jamaica are now maintaining against the aristocracy of skin. Such, finally, is the struggle which the middle classes in England are maintaining against an aristocracy of mere locality—against an aristocracy, the principle of which is to invest 100 drunken pot-wallopers in one place, or the owner of a ruined hovel in another, with powers which are withheld from cities renowned to the furthest ends of the earth, for the marvels of their wealth and of their industry. But these great cities, says my hon. friend, the member for

Oxford, are virtually, though not directly represented. Are not the wishes of Manchester, he asks, as much consulted as those of any town which sends Members to Parliament? Now, Sir, I do not understand how a power which is salutary when exercised virtually, can be noxious when exercised directly. If the wishes of Manchester have as much weight with us, as they would have under a system which should give Representatives to Manchester, how can there be any danger in giving Representatives to Manchester? A virtual Representative is, I presume, a man who acts as a direct Representative would act: for surely it would be absurd to say, that a man virtually represents the people of property in Manchester, who is in the habit of saying No, when a man directly representing the people of property in Manchester would say Aye. The utmost that can be expected from virtual Representation is, that it may be as good as direct Representation. If so, why not grant direct Representation to places which, as every body allows, ought, by some process or other, to be represented? If it be said, that there is an evil in change as change, I answer, that there is also an evil in discontent as discontent. This, indeed, is the strongest part of our case. It is said that the system works well. I deny it. I deny that a system works well, which the people regard with aversion. We may say here, that it is a good system and a perfect system. But if any man were to say so to any 658 respectable farmers or shop-keepers, chosen by lot in any part of England, he would be hooted down, and laughed to scorn. Are these the feelings with which any part of the Government ought to be regarded? Above all, are these the feelings with which the popular branch of the Legislature ought to be regarded? It is almost as essential to the utility of a House of Commons, that it should possess the confidence of the people, as that it should deserve that confidence. Unfortunately, that which is in theory the popular part of our Government, is in practice the unpopular part. Who wishes to dethrone the King? Who

wishes to turn the Lords out of their House? Here and there a crazy radical, whom the boys in the street point at as he walks along. Who wishes to alter the constitution of this House? The whole people. It is natural that it should be so. The House of Commons is, in the language of Mr. Burke, a check for the people—not on the people, but for the people. While that check is efficient, there is no reason to fear that the King or the nobles will oppress the people. But if that check requires checking, how is it to be checked? If the salt shall lose its savour, wherewith shall we season it? The distrust with which the nation regards this House may be unjust. But what then? Can you remove that distrust? That it exists cannot be denied. That it is an evil cannot be denied. That it is an increasing evil cannot be denied. One Gentleman tells us that it has been produced by the late events in France and Belgium; another, that it is the effect of seditious works which have lately been published. If this feeling be of origin so recent, I have read history to little purpose. Sir, this alarming discontent is not the growth of a day or of a year. If there be any symptoms by which it is possible to distinguish the chronic diseases of the body politic from its passing inflammations, all these symptoms exist in the present case. The taint has been gradually becoming more extensive and more malignant, through the whole life-time of two generations. We have tried anodynes. We have tried cruel operations. What are we to try now? Who flatters himself that he can turn this feeling back? Does there remain any argument which escaped the comprehensive intellect of Mr. Burke, or the subtlety of Mr. Wyndham? Does there remain any species of coercion which was not tried by Mr. Pitt and by Lord Londonderry? We have had laws. We have had blood. New treasons have been created. The Press has been shackled. The Habeas Corpus Act has been suspended. Public meetings have been prohibited. The event has proved that these expedients were



mere palliatives. You are at the end of your palliatives. The evil remains. It is more formidable than ever. What is to be done? Under such circumstances, a great measure of reconciliation, prepared by the Ministers of the Crown, has been brought before us in a manner which gives additional lustre to a noble name, inseparably associated during two centuries with the dearest liberties of the English people. I will not say, that the measure is in all its details precisely such as I might wish it to be; but it is founded on a great and a sound principle. It takes away a vast power from a few. It distributes that power through the great mass of the middle order. Every man, therefore, who thinks as I think, is bound to stand firmly by Ministers, who are resolved to stand or fall with this measure. Were I one of them, I would sooner—ininitely sooner—fall with such a measure than stand by any other means that ever supported a Cabinet. My hon. friend, the member for the University of Oxford, tells us, that if we pass this law, England will soon be a republic. The reformed House of Commons will, according to him, before it has sat ten years, depose the King, and expel the Lords from their House. Sir, if my hon. friend could prove this, he would have succeeded in bringing an argument for democracy, infinitely stronger than any that is to be found in the works of Paine. His proposition is in fact this—that our monarchical and aristocratical institutions have no hold on the public mind of England; that these institutions are regarded with aversion by a decided majority of the middle class. This, Sir, I say, is plainly deducible from his proposition; for he tells us, that the Representatives of the middle class will inevitably abolish royalty and nobility within ten years: and there is surely no reason to think that the Representatives of the middle class will be more inclined to a democratic revolution than their constituents. Now, Sir, if I were convinced that the great body of the middle class in England look with aversion on monarchy and aristocracy, I should be forced, much against my will, to come to

this conclusion, that monarchical and aristocratical institutions are unsuited to this country. Monarchy and aristocracy, valuable and useful as I think them, are still valuable and useful as means, and not as ends. The end of government is the happiness of the people: and I do not conceive that, in a country like this, the happiness of the people can be promoted by a form of government, in which the middle classes place no confidence, and which exists only because the middle classes have no organ by which to make their sentiments known. But, Sir, I am fully convinced that the middle classes sincerely wish to uphold the Royal prerogatives, and the constitutional rights of the Peers. What facts does my hon. friend produce in support of his opinion? One fact only—and that a fact which has absolutely nothing to do with the question. The effect of this Reform, he tells us, would be, to make the House of Commons all-powerful. It was all-powerful once before, in the beginning of 1649. Then it cut off the head of the King, and abolished the House of Peers. Therefore, if this Reform should take place, it will act in the same manner. Now, Sir, it was not the House of Commons that cut off the head of Charles I.; nor was the House of Commons then all-powerful. It had been greatly reduced in numbers by successive expulsions. It was under the absolute dominion of the army. A majority of the House was willing to take the terms offered by the King. The soldiers turned out the majority; and the minority—not a sixth part of the whole House—passed those votes of which my hon. friend speaks—votes of which the middle classes disapproved then, and of which they disapprove still. My hon. friend, and almost all the Gentlemen who have taken the same side with him in this Debate, have dwelt much on the utility of close and rotten boroughs. It is by means of such boroughs, they tell us, that the ablest men have been introduced into Parliament. It is true that many distinguished persons have represented places of this description. But, Sir, we must judge of a form of government by

its general tendency, not by happy accidents. Every form of government has its happy accidents. Despotism has its happy accidents. Yet we are not disposed to abolish all constitutional checks, to place an absolute master over us, and to take our chance whether he may be a Caligula or a Marcus Aurelius. In whatever way the House of Commons may be chosen, some able men will be chosen in that way who would not be chosen in any other way. If there were a law that the hundred tallest men in England should be Members of Parliament, there would probably be some able men among those who would come into the House by virtue of this law. If the hundred persons whose names stand first in the alphabetical list of the Court Guide were made Members of Parliament, there would probably be able men among them. We read in ancient history, that a very able king was elected by the neighing of his horse. But we shall scarcely, I think, adopt this mode of election. In one of the most celebrated republics of antiquity—Athens—the Senators and Magistrates were chosen by lot; and sometimes the lot fell fortunately. Once, for example, Socrates was in office. A cruel and unjust measure was brought forward. Socrates resisted it at the hazard of his own life. There is no event in Grecian history more interesting than that memorable resistance. Yet who would have officers assigned by lot, because the accident of the lot may have given to a great and good man a power which he would probably never have attained in any other way? We must judge, as I said, by the general tendency of a system. No person can doubt that a House of Commons chosen freely by the middle classes will contain many very able men. I do not say, that precisely the same able men who would find their way into the present House of Commons, will find their way into the reformed House—but that is not the question. No particular man is necessary to the State. We may depend on it, that if we provide the country with free institutions, those institutions will provide it with great men. There is another



objection, which, I think, was first raised by the hon. and learned member for Newport (Mr. H. Twiss). He tells us that the elective franchise is property—that to take it away from a man who has not been judicially convicted of any malpractices is robbery—that no crime is proved against the voters in the close boroughs—that no crime is ever imputed to them in the preamble of the Bill—and that to disfranchise them without compensation, would therefore be an act of revolutionary tyranny. The hon. and learned Gentleman has compared the conduct of the present Ministers to that of those odious tools of power, who, towards the close of the reign of Charles II. seized the charters of the Whig Corporations. Now there was another precedent, which I wonder that he did not recollect, both because it was much more nearly in point than that to which he referred, and because my noble friend, the Paymaster of the Forces, had previously alluded to it. If the elective franchise is property—if to disfranchise voters without a crime proved, or a compensation given, be robbery—was there ever such an act of robbery as the disfranchising of the Irish forty-shilling freeholders? Was any pecuniary compensation given to them? Is it declared in the preamble of the bill which took away their votes, that they had been convicted of any offence? Was any judicial inquiry instituted into their conduct? Were they even accused of any crime? Or say, that it was a crime in the electors of Clare to vote for the hon. and learned Gentleman who now represents the county of Waterford—was a Protestant forty-shilling freeholder in Louth, to be punished for the crime of a Catholic forty-shilling freeholder in Clare? If the principle of the hon. and learned member for Newport be sound, the franchise of the Irish peasant was property. That franchise, the Ministry under which the hon. and learned Member held office, did not scruple to take away. Will he accuse the late Ministers of robbery? If not, how can he bring such an accusation against their successors? Every Gentleman, I think, who has spoken from the other side of

the House, has alluded to the opinions which some of his Majesty's Ministers formerly entertained on the subject of Reform. It would be officious in me, Sir, to undertake the defence of Gentlemen who are so well able to defend themselves. I will only say, that, in my opinion, the country will not think worse either of their talents or of their patriotism, because they have shown that they can profit by experience, because they have learned to see the folly of delaying inevitable changes. There are others who ought to have learned the same lesson. I say, Sir, that there are those who, I should have thought, must have had enough to last them all their lives of that humiliation which follows obstinate and boastful resistance to measures rendered necessary by the progress of society, and by the development of the human mind. Is it possible that those persons can wish again to occupy a position, which can neither be defended, nor surrendered with honour? I well remember, Sir, a certain evening in the month of May, 1827. I had not then the honour of a seat in this House; but I was an attentive observer of its proceedings. The right hon. Baronet opposite, (Sir R. Peel) of whom personally I desire to speak with that high respect which I feel for his talents and his character, but of whose public conduct I must speak with the sincerity required by my public duty, was then, as he is now, out of office. He had just resigned the Seals of the Home Department, because he conceived that the Administration of Mr. Canning was favourable to the Catholic claims. He rose to ask whether it was the intention of the new Cabinet to repeal the Test and Corporation Acts, and to Reform the Parliament. He bound up, I well remember, those two questions together; and he declared, that if the Ministers should either attempt to repeal the Test and Corporation Acts, or bring forward a measure of Parliamentary Reform, he should think it his duty to oppose them to the utmost. Since that declaration was made nearly four years have elapsed; and what is now the state of the three questions which then chiefly agitated

the minds of men? What is become of the Test and Corporation Acts? They are repealed. By whom? By the late Administration. What has become of the Catholic disabilities? They are removed. By whom? By the late Administration. The question of Parliamentary Reform is still behind. But signs, of which it is impossible to misconceive the import, do most clearly indicate, that, unless that question also be speedily settled, property and order, and all the institutions of this great monarchy, will be exposed to fearful peril. Is it possible, that Gentlemen long versed in high political affairs cannot read these signs? Is it possible that they can really believe that the Representative system of England, such as it now is, will last till the year 1860? If not, for what would they have us wait? Would they have us wait merely that we may show to all the world how little we have profited by our own recent experience? Would they have us wait, that we may once again hit the exact point where we can neither refuse with authority, nor concede with grace? Would they have us wait, that the numbers of the discontented party may become larger, its demands higher, its feelings more acrimonious, its organization more complete? Would they have us wait till the whole tragi-comedy of 1827 has been acted over again; till they have been brought into office by a cry of "No Reform!" to be reformers, as they were once before brought into office by a cry of "No Popery!" to be emancipators? Have they obliterated from their minds—gladly perhaps would some among them obliterate from their minds—the transactions of that year? And have they forgotten all the transactions of the succeeding year? Have they forgotten how the spirit of liberty in Ireland, debarred from its natural outlet, found a vent by forbidden passages? Have they forgotten how we were forced to indulge the Catholics in all the license of rebels, merely because we chose to withhold from them the liberties of subjects? Do they wait for associations more formidable than that of the Corn Exchange,—for contribu-



tions larger than the Rent,—for agitators more violent than those who, three years ago, divided with the King and the Parliament, the sovereignty of Ireland? Do they wait for that last and most dreadful paroxysm of popular rage,—for that last and most cruel test of military fidelity? Let them wait, if their past experience shall induce them to think that any high honour or any exquisite pleasure is to be obtained by a policy like this. Let them wait if this strange and fearful infatuation be indeed upon them,—that they should not see with their eyes, or hear with their ears, or understand with their heart. But let us know our interest and our duty better. Turn where we may,—within,—around,—the voice of great events is proclaiming to us, Reform, that you may preserve. Now, therefore, while every thing at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age,—now, while the crash of the proudest throne of the continent is still resounding in our ears,—now, while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings,—now, while we see on every side ancient institutions subverted, and great societies dissolved,—now, while the heart of England is still sound,—now, while the old feelings and the old associations retain a power and a charm which may too soon pass away,—now, in this your accepted time,—now, in this your day of salvation,—take counsel, not of prejudice,—not of party spirit,—not of the ignominious pride of a fatal consistency,—but of history,—of reason,—of the ages which are past,—of the signs of this most portentous time. Pronounce in a manner worthy of the expectation with which this great Debate has been anticipated, and of the long remembrance which it will leave behind. Renew the youth of the State. Save property divided against itself. Save the multitude, endangered by their own ungovernable passions. Save the aristocracy, endangered by its own unpopular power. Save the greatest, and fairest, and most highly civilized community that ever existed, from calamities

which may in a few days sweep away all the rich heritage of so many ages of wisdom and glory. The danger is terrible. The time is short. If this Bill should be rejected, I pray to God that none of those who concur in rejecting it may ever remember their votes with unavailing regret, amidst the wreck of laws, the confusion of ranks, the spoliation of property, and the dissolution of social order.

## ON PARLIAMENTARY REFORM.\*

JULY 5, 1831.

*On the Adjourned Debate on the Second Reading of Lord John Russell's Parliamentary Reform Bill for Ireland.*

BEFORE I proceed to examine what may be termed the political arguments applicable to the question, I wish to notice one position, which, if it were a sound one, I admit would be decisive against Reform. That position is—that the elective franchise is property—as much property as the dividends of the fundholder, or the rents of the landowner. It must either be property or not property; and if it be property, to seize what belongs to the rich man, in order to give it to the poor man, would be to break up the very foundation of social order. I support this measure because I am convinced that the elective franchise is not property, and that the Bill ought not, therefore, to give compensation. Looking back to the earliest times, we shall find, that if the elective franchise be property, the present system is founded upon the most monstrous system of injustice and robbery. The great disfranchisement of the reign of Henry VI., was an act of unheard-of plunder, and the same remark will apply to the Reform introduced by Oliver Cromwell. I will not argue on the merit or demerit of his system, but this I will say, that the best and wisest men of that, and subsequent times, never treated the elective franchise as property. I speak of all the debates in which Maynard and Hale partook under the vigorous Oliver, and his feeble successor. Sir Henry Vane said,

\* Hansard, 3d Series, vol. iv. 1831, p. 773-783.



that it was a Reform which the Long Parliament would have made had it lasted ; and Lord Clarendon declared, that it was a Reform which the King ought to have made had he then come to the Crown. Lord Clarendon, the most distinguished of royalists, who leaned too much to legal refinements on political questions, describes it as a Reform which was fit to be made by a more warrantable method, and in better times. This, then, I say, is that more warrantable method ; this that better time. What Cromwell attempted in a country lately convulsed by civil war, and still agitated by religious factions, we are now called upon to accomplish in a state of perfect peace, and under a Prince whose title is as undisputed, as his person is beloved. The only circumstances which, in the opinion of Lord Clarendon, were wanting in the Reform of Cromwell, we find in the Reform of William the Fourth. If the elective franchise were property, these, I contend, were most extensive and sweeping confiscations ; but, for the sake of the great institution of property, for which all other institutions exist, which is the source of all knowledge and of all industry, I do most deeply lament to hear the sanctity that belongs to property claimed by that which is not property. If you mix political abuses with the institution of property, you must expect, that property will contract the odium of political abuses ; and people will imagine that there is no more immorality in taking away a man's estate, than in disfranchising Old Sarum. If you bind them up that they may stand together, take care that they do not fall together. Many have before used the argument which we heard repeated last night, and which, if I mistake not, was originally employed by the right hon. Baronet (Sir R. Peel). It is true, say they, that the Act of 1829 was a confiscation of the property of the 40s. freeholders of Ireland, and show us a case of necessity equally urgent, and we will vote for Reform. Let them, however, beware how they set a precedent for the invasion of property on the ground of political convenience. Considering the elective franchise as not property,

we have only to discuss and decide this question—whether it is expedient at the present moment to touch it. The only argument I have heard on this subject was that used by a noble Lord (Porchester) who spoke for the first time last night, and whom it gave me great pleasure to hear. The noble Lord referred to the history of France, and particularly to recent events in that country; but I must question the noble Lord's arguments, as well as his facts. I must deny, that there was a fluctuation from a desire for a violent change from monarchical to a republican form of government, or that it was the fluctuation of the same party. Different opinions did, no doubt, prevail under different administrations—under de Cazes, Villèle, and other administrations; but then these different opinions were expressed by Chambers differently constituted. The Chamber of Deputies of 1815 was differently constituted from that of 1819, and that of 1824 differed from both. The Chamber of 1827, indeed, though chosen in the same manner as the Chamber of 1824, took a very different course. But this difference of political feeling in the Representative body, chosen under different circumstances, was an every-day case. When Queen Anne discharged her Whig Ministry, she succeeded also in getting a House of Commons, the majority of which were Tories. On the accession of George 1st, another change took place, and a House of Commons, chiefly Whigs, were returned. In the same way a total change took place in the political character of the Commons in the election of 1784. I protest against the analogy drawn by the noble Lord, and I deny that the cases of England and France are alike. I deny, that we have had any parties here even remotely resembling the revolutionary and counter-revolutionary parties of France. I deny that there is any analogy between the two Houses of Peers. I regard the Chamber of Peers of France as an unfortunate experiment—as a kind of forced production—an exotic: there was nothing in the property or in the state of society in France, which required such an institution; it had no root in the

soil, and its decline and fall need not give the aristocracy of England the slightest alarm. The principal, and most plausible argument against the Reform Bill is this—mark how rich, how great, how happy, this country is, and has been; the admired of all men, and the envied of foreign nations; will you, then, change a system which has produced so many, and such lasting benefits? I am far from denying that England is a great and prosperous country. I am as far from denying, that she owes much of her greatness and prosperity to the form of her government; but government and society are cause and effect—they re-act on each other. No doubt the government of the Czar Peter did much for Russia; but would it be an argument against giving her free institutions, that despotism had procured her civilization? The whole of history shews, that all great revolutions have been produced by a disproportion between society and its institutions; for while society has grown, its institutions have not kept pace and accommodated themselves to its improvements. When we are told of the admiration of distinguished foreigners of all ages for the Constitution of England, it seems to be thought, that their applause has been bestowed upon the same institutions which, in the lapse of centuries, have undergone no change. Philip de Comines said, that the English were the best-governed people in the world, and when Montesquieu gave them the same praise, were both writers speaking of the same institutions? Certainly not. The history of England is the history of a succession of Reforms; and the very reason that the people of England are great and happy is, that their history is the history of Reform. The great Charter, the first assembling of Parliament, the Petition of Right, the Revolution, and lastly, this great measure—are all proofs of my position—are all progressive stages in the progress of society—and I am fully convinced that every argument urged against the step we are now called upon to take might have been advanced with equal justice against any of the other changes I have enumerated. It is the principle of “Hume’s His-



tory," as every body knows, that the Stuarts governed better than the Tudors; but, suppose any man had risen in the Convention Parliament, and said, "how great and happy we are—we have ten times as many inhabitants, and merchants ten times as wealthy as under the Tudors; we have been most admirably governed—we are not slaves under the Dey of Tripoli, but free subjects of a generous Monarch, and why should we change?" The answer is plain. If we had been the slaves of the Dey of Tripoli, we should not have known better, but the change in our situations has educated us for improvements in our institutions. At the present moment we everywhere see society outgrowing our institutions. Wherever we turn our eyes, we behold a nation great and civilized—with a soil cultivated to a degree of fertility unknown to other countries—with the perfection of all discoveries in physical science, to promote the conveniences of life—standing pre-eminent among the civilized world in everything that depends upon the skill and intelligence of individuals, or combinations of individuals—and yet, with laws and institutions that little command the respect and admiration of mankind. Our roads, our bridges, our steam-engines, our manufactures, our modes of conveyance, our demand for labor, and our rewards of ingenuity, surpass those of any nation in the ancient or modern world, and extort the admiration of rival States; but, let me ask, are foreigners equally struck with the excellence of our legislative enactments—with the modes of conveying land, or of conducting actions—and with a Penal Code that seems purposely contrived to puzzle and ensnare? These are matters in which the Legislature has shown its skill, as our manufacturers have shown theirs, but with a far different result. Let us contrast our commerce, wealth, and perfect civilization, with our Penal Laws—at once barbarous and inefficient—the preposterous fictions of pleading—the mummerly of fines and recoveries—the chaos of precedents, and the bottomless pit of Chancery. Here we see the barbarism of the thirteenth century coupled with the civi-

lization of the nineteenth, and we see too, that the barbarism belongs to the Government, and the civilization to the people. Then I say, that this incongruous state of things cannot continue ; and if we do not terminate it with wisdom, ere long we shall find it ended by violence. Because I think we have arrived at the point, when a change is both wise and necessary, I support this Bill with heart and soul ; and I shall be proud to the last hour of my life, of the part I have been able to take in this great act of reconciliation between the state of society and the condition of its institutions. We were told in the last Parliament, that this is not the Reform for which the people petitioned ; and if it be not, looking at the manner in which it has been received, nothing can prove more decisively the blessed effect of seasonable concession. Never was there so signal an example of that wise policy which conducts the great revolutions of public opinion to a happy and peaceful conclusion, and renders the very act of extending liberty the security for social order. It is not strange, that the people, denied their reasonable claims, should become unreasonable ; and, when repulsed by those who ought to hear them, should fly to demagogues. We have seen how excitement was created, and we have seen, too, how it may be allayed. The true secret of the power of agitators is, the obstinacy of rulers ; and liberal governments make a moderate people. Did we not hear in the beginning of the last Session the Prime Minister declare, that there should be no Reform, and what was the consequence ? The people were excited to such a state, that it seemed as if a dissolution of social order was at hand. So near at hand was it thought, that the Minister of the Crown did not dare to show his Sovereign in his capital. I will venture to say, that now there is not a nation in the world more sincerely or more justly attached to the person and government of their King than the English, or more disposed to strengthen the hands of the public authorities in the enforcement of the law. I do not, however, wonder that a measure which removes discontent

should excite the hatred of two classes—the friends of corruption, and the agents of sedition. All who love abuses because they profit by them, and all who take advantage of disaffection which abuses occasion, are naturally leagued against a Bill, which, by making the Government pure, renders the people attached. Those who stand at the two extremities of political opinions play into each other's hands on an occasion like the present; the friends of despotism, on the one hand, are furnished by Jacobin agitators with pretexts for oppression; and Jacobin agitators, on the other hand, are provided by the friends of despotism with arguments against Government. I am rejoiced to see, that the people of England know how to appreciate the monstrous coalition between the enemies of all order and the opponents of all liberty. England has spoken, and spoken out, from every part of the kingdom where the voice of the people was allowed to be heard; it has been heard from our mightiest sea-ports—from our manufacturing towns—from the capital—from our populous counties. As far as my calculations have gone on the late returns, from almost all those situations a suitable answer has been returned to that truly royal voice which demands the opinion of the nation. Here we are now, nearly all Reformers—all Reformers in some sense or other—in some degree or other—for not one Member has declared himself opposed to the principle of Reform; at least some hint has been thrown out that he is not adverse to all change—and I most thoroughly and cordially agree with the noble Paymaster of the Forces, that, like the Scotch army at Dunbar, the enemies of Reform have placed themselves at the mercy of their adversaries. Their arguments and their abuse might be equally directed against all Reforms, for all might be asserted to be revolutionary, anarchical, and demoralizing. It has been said, that the Reform Bill introduced for England is not the Reform for which the people petitioned. Will that Reform Bill which is to be proposed by hon. Gentlemen opposite, be that Reform for which



the people have petitioned? If this Bill, now brought forward by the ancient friends and advocates of the people, be not the Reform which is consonant with popular feeling, what will it be if brought forward by those who have been always opposed to popular feeling, and who can adduce no reason for presenting it except intimidation? The hon. member for Aldborough, and other hon. Members, have complained of certain anomalies in the Bill. They object to the measure, that it gives one county twelve Members, while a larger has got only ten—that such a town as Brighton is to have only one Member, while another less considerable is to have two. This may be an excellent argument against the details of the measure; but it cannot in the slightest degree affect the principle. Will they bring forward an Amendment to remove these anomalies? Or do they mean to assert that a new Rule of Three sum must be worked upon the occasion of every census? If not, why do they censure the Bill because it contains anomalies? But, after all, it contains fewer anomalies than exist in the present system [*cries of “No, no”*]. I speak with arithmetical precision. In the proposed system there is no disproportion so great—none which can make up the difference between Old Sarum and Manchester. Hon. Gentlemen opposite would, in my mind, do better to answer arguments than to interrupt speeches. If there be anomalies, it is you, and not we, who are bound to propose the remedy—so that—

“Each fair burgh, numerically free,  
Shall choose its Members by the Rule of Three.”

It is asked by the hon. Gentlemen on the other side, will this Reform be final? In return, I ask you, will your Reform be final? The same, and stronger reasons against a Reform being final, apply themselves to any you would make. Last year, when there was a question of giving Representatives to the greatest manufacturing owns in the world, the same argument was brought forward. It

was said, it would only be the prelude to greater changes. Such a Reform could not be final; how, then, could you pretend to say, that any Reform you propose would be final? Now, Sir, if I am asked my opinion, I do declare that this Reform of ours is final; but that any which fell short of it would not be. When I say final, I mean that it will be final for that space of time to which we can look forward, and for which alone we can attempt to legislate. In the course of one hundred years, we may chance to have docks as extensive as those of Liverpool in the Hebrides; and a manufacturing town as large as Manchester, in the county of Galway. The same causes are still in action, which, in many places, have converted hamlets into great towns, and barren heaths into corn-fields and meadows. For a country so altered and improved in its condition, we cannot pretend to legislate; all that we can do is to set those who shall then exist the signal example of the mode and spirit in which such a reform as their circumstances require should take place. In the only way, therefore, in which a public man ought to use the word final, I use it; and thus I declare this Reform Bill will be final. But as to the other Bill, if the hon. Gentlemen opposite should succeed in any branch of the Legislature in throwing out this measure of ours—if they should succeed in displacing the present Administration—and if they should succeed in obtaining a House of Commons which would support a new ministry—I ask them what they would do? Sir, there can be no difficulty in foreseeing and describing the progress downwards. First, there would be a mock Reform—a Bassettlaw Reform, worthy of those who, when a delinquent borough was to be punished, refused to transfer the franchise to a populous manufacturing town, but threw it into neighboring hundreds—worthy of those who refused to give Representatives to the three greatest manufacturing towns in the world—a Reform fraught with all the evils of change, and not a single benefit—a Reform depriving the Government of the foundation of prescription, without substituting

the foundation of reason and the public good—a Reform which would unsettle establishments, without appeasing discontent—a Reform by which the people would be at once encouraged and exasperated—encouraged by the sense of their own importance, and the evident effect of their power, and exasperated because what they obtained was not what they had demanded. Then would come agitation—libels would abound—the Press would be excited—and demagogues would harangue in every street. Coercion would only aggravate the evil. This is no age, this is no country for the war of power against the war of opinions. Those enemies to the public quiet—agitators and demagogues, who would be driven back by this Reform Bill to their proper insignificance—would become truly powerful, till, at the last, the law would be evaded and opposed till it became a mockery, and England would be reduced to the same condition in which Ireland was placed at the end of the year 1828. Then amidst the cheers of the Whigs, who would be occupying their old places on that side of the House, and the grief and dismay of the Tories, who are now again trusting, to be again betrayed, some right hon. Gentleman would rise from these benches—as did, on the 1st of March, the Paymaster of the Forces, to propose that Bill on which the hearts of the people are fixed. Then should we flatter ourselves that all had been done; but not so. The gratitude and delight with which the measure would be now received, could no longer exist when the materials of agitation were ready. They would find themselves in the condition of those in the old stories, who evoked the fiends. When once the evil spirit is called up, you must find him work, or he will tear you in pieces. The noble Lord opposite spoke of the Day of Sacrifices. Let him remember it was afterwards named the Day of Dupes, not because it was a Day of Sacrifices, but of sacrifices delayed too long. It was because the French aristocracy refused Reform in 1783, that there was Revolution in 1789. But we need not go far to see the danger of delaying inevitable conces-



sions. Let us look to Ireland. Is not one such instance, when made practically, enough to convince one generation? I feel, that some apology is due for the tone I have assumed; I fear, that it may be deemed unbecoming in me to make any application to the fears of Members of this House. But surely I may, without reproach, address myself to their honest fears. It is well to talk of opposing a firm front to sedition, and of using vigorous means to put down agitation. Those phrases are used very properly, when they refer to some temporary excitement—to some partial disturbances, as in 1780—to stifle which, the show of force and determination on the part of a Government is alone needed—then it is well to show a bold front; but woe to the Government that cannot distinguish between a nation and a mob—woe to the Government that thinks a great and steady movement of mind is to be put down like a riot. This error has been twice fatal to the Bourbons—it may be fatal to the Legislature of this country if they should venture to foster it. I do believe, that the irrevocable moment has arrived. Nothing can prevent the passing of this noble law—this second Bill of Rights. I do call it the second Bill of Rights; and so will the country call it; and so will our children. I call it a greater Charter of the liberties of England. Eighteen hundred and thirty-one is destined to exhibit the first example of an established, of a deep-rooted system removed without bloodshed, or violence, or rapine—all points being debated—every punctilio observed—the peaceful industry of the country never for a moment checked or compromised—and the authority of the law not for one instant suspended. These are things of which we may well be proud. These are things which make us look with confidence and good hope to the future destinies of the human race. These are things that enable us to look forward to a long series of tranquil and happy years, in which we shall have a popular Government and a loyal people; and in which war, if war be inevitable, shall find us a united nation—of years pre-eminently

distinguished by the progress of art and science, and of knowledge generally ; by the diminution of the public burthens, and by all those victories of peace in which, more than in the most splendid military successes, consist the true prosperity of States and the glory of Statesmen. Sir, it is with these feelings, and with these hopes, that I give my most cordial assent to the measure, considering it desirable in itself, and at the present moment, and in the present temper of the people, indispensably necessary to the repose of the empire and the stability of the Throne.

## ON PARLIAMENTARY REFORM.\*

SEPTEMBER 20, 1831.

*On the third reading of the Reform Bill for England.*

IT is not without great diffidence, Sir, that I rise to address you on a subject which has been nearly exhausted. Indeed, I should not have risen had I not thought that though the arguments on this question are for the most part old, our situation at present is in a great measure new. At length the Reform Bill, having passed without vital injury through all the dangers which threatened it during a long and minute discussion, from the attacks of its enemies and from the dissensions of its friends, comes before us for our final ratification, altered, indeed, in some of its details for the better, and in some for the worse, but in its great principles still the same Bill which, on the 1st of March, was proposed to the late Parliament—the same Bill which was received with joy and gratitude by the whole nation—the same Bill which, in an instant, took away the power of interested agitators, and united in one firm body sects of sincere Reformers—the same Bill which, at the late election, received the approbation of almost every great constituent body in the empire. With a confidence which discussion has only strengthened—with an assured hope of great public blessings if the wish of the nation shall be gratified—with a deep and solemn apprehension of great public calamities if that wish shall be disappointed—I for the last time give my most hearty assent to this noble law, destined, I trust, to be the parent of many good laws,

\* Hansard, 3d Series, vol. vii. 1831, p. 297–311.



and, through a long series of years, to secure the repose and promote the prosperity of my country. When I say that I expect this Bill to promote the prosperity of the country, I by no means intend to encourage those chimerical hopes which the hon. and learned member for Rye, who has so much distinguished himself in this debate, has imputed to the Reformers. The people, he says, are for the Bill, because they expect that it will immediately relieve all their distresses. Sir, I believe that very few of that large and respectable class which we are now about to admit to a share of political power, entertain any such absurd expectation. They expect relief, I doubt not, and I doubt not also that they will find it. But sudden relief they are far too wise to expect. The Bill, says the hon. and learned Gentleman, is good for nothing—it is merely theoretical—it removes no real and sensible evil—it will not give the people more work, or higher wages, or cheaper bread. Undoubtedly, Sir, the Bill will not immediately give all those things to the people. But will any institutions give them all those things? Do the present institutions of the country secure to them these advantages? If we are to pronounce the Reform Bill good for nothing, because it will not at once raise the nation from distress to prosperity, what are we to say of that system under which the nation has been of late sinking from prosperity into distress? The defect is not in the Reform Bill, but in the very nature of government. On the physical condition of the great body of the people, government acts not as a specific, but as an alterative. Its operation is powerful, indeed, and certain, but gradual and indirect. The end of government is not directly to make the people rich, but to protect them in making themselves rich—and a Government which attempts more than this is precisely the Government which is likely to perform less. Governments do not and cannot support the people. We have no miraculous powers—we have not the rod of the Hebrew lawgiver—we cannot rain down bread on the multitude from Heaven—we

cannot smite the rock and give them to drink. We can give them only freedom to employ their industry to the best advantage, and security in the enjoyment of what their industry has acquired. These advantages it is our duty to give at the smallest possible cost. The diligence and forethought of individuals will thus have fair play; and it is only by the diligence and forethought of individuals that the community can become prosperous. I am not aware that his Majesty's Ministers, or any of the supporters of the Bill, have encouraged the people to hope, that Reform will remove their distresses, in any other way than by this indirect process. By this indirect process the Bill will, I feel assured, conduce to the national prosperity. If it had been passed fifteen years ago, it would have saved us from our present embarrassments. If we pass it now, it will gradually extricate us from them. It will secure to us a House of Commons, which, by preserving peace, by destroying monopolies, by taking away unnecessary public burthens, by judiciously distributing necessary public burthens, will, in the progress of time, greatly improve our condition. This it will do; and those who blame it for not doing more, blame it for not doing what no Constitution, no code of laws, ever did or ever will do; what no legislator, who was not an ignorant and unprincipled quack, ever ventured to promise. But chimerical as are the hopes which the hon. and learned member for Rye imputes to the people, they are not, I think, more chimerical than the fears which he has himself avowed. Indeed, those very Gentlemen who are constantly telling us that we are taking a leap in the dark—that we pay no attention to the lessons of experience—that we are mere theorists—are themselves the despisers of experience—are themselves the mere theorists. They are terrified at the thought of admitting into Parliament Members elected by £10 householders. They have formed in their own imaginations a most frightful idea of these Members. My hon. and learned friend, the member for Cocker mouth, is certain that these Members will take every oppor-

tunity of promoting the interests of the journeyman in opposition to those of the capitalist. The hon. and learned member for Rye is convinced that none but persons who have strong local connexions, will ever be returned for such constituent bodies. My hon. friend, the member for Thetford, tells us, that none but mob-orators, men who are willing to pay the basest court to the multitude, will have any chance. Other speakers have gone still further, and have described to us the future borough Members as so many Marats and Santerres—low, fierce, desperate men—who will turn the House into a bear-garden, and who will try to turn the monarchy into a republic—mere agitators, without honour, without sense, without education, without the feelings or the manners of gentlemen. Whenever, during the course of the fatiguing discussions by which we have been so long occupied, there has been a cry of “question,” or a noise at the bar, the orator who has been interrupted has remarked, that such proceedings will be quite in place in the Reformed Parliament, but that we ought to remember that the House of Commons is still an assembly of Gentlemen. This, I say, is to set up mere theory, or rather mere prejudice, in opposition to long and ample experience. Are the Gentlemen who talk thus, ignorant that we have already the means of judging what kind of men the £10 householders will send up to Parliament? Are they ignorant that there are even now large towns with very popular rights of election—with rights of election even more democratic than those which will be bestowed by the present Bill? Ought they not, on their own principles, to look at the results of the experiments which have already been made, instead of predicting frightful calamities at random? How do the facts which are before us agree with their theories? Nottingham is a city with a franchise even more democratic than that which this Bill establishes. Does Nottingham send hither men of local connexions? It returns two distinguished men—the one an advocate, the other a soldier—both unconnected



with the town. Every man paying scot-and-lot has a vote at Leicester. This is a lower franchise than the £10 franchise. Do we find that the members for Leicester are the mere tools of the journeymen? I was at Leicester during the contest in 1826, and I recollect that the suffrages of the scot-and-lot voters were pretty equally divided between two candidates—neither of them connected with the place—neither of them a slave of the mob—the one a Tory Baronet from Derbyshire—the other a most respectable and excellent friend of mine, connected with the manufacturing interest, and also an inhabitant of Derbyshire. Look at Norwich—Look at Northampton, with a franchise more democratic than even the scot-and-lot franchise. Northampton formerly returned Mr. Perceval, and now returns Gentlemen of high respectability—Gentlemen who have a great stake in the prosperity and tranquillity of the country. Look at the metropolitan districts. This is an *à fortiori* case. Nay it is—the expression, I fear, is awkward—an *à fortiori* case at two removes. The £10 householders of the metropolis are persons in a lower station of life than the £10 householders of other towns. The scot-and-lot franchise in the metropolis is again lower than the £10 franchise—yet have Westminster and Southwark been in the habit of sending us Members of whom we have had reason to be ashamed—of whom we have not had reason to be proud? I do not say that the inhabitants of Westminster and Southwark have always expressed their political sentiments with proper moderation. That is not the question—the question is this—what kind of men have they elected? The very principle of all Representative government is, that men who do not judge rightly of public affairs may be quite competent to choose others who will judge better. Whom, then, have Westminster and Southwark sent us during the last fifty years—years full of great events—years of intense popular excitement? Take any one of those nomination-boroughs, the patrons of which have conscientiously endeavoured to send fit men into this House.

Compare the Members for that borough with the members for Westminster and Southwark, and you will have no doubt to which the preference is due. It is needless to mention Mr. Fox, Mr. Sheridan, Mr. Tierney, Sir Samuel Romilly. Yet I must pause at the name of Sir Samuel Romilly. Was he a mob-orator? Was he a servile flatterer of the multitude? Sir, if he had any fault—if there was any blemish on that most serene and spotless character—that character which every public man, and especially every professional man engaged in politics, ought to propose to himself as a model—it was this, that he despised popularity too much and too visibly. The hon. Member for Thetford told us that the hon. and learned member for Rye, with all his talents, would have no chance of a seat in the Reformed Parliament, for want of the qualifications which succeed on the hustings. Did Sir Samuel Romilly ever appear on the hustings? He never solicited one vote—he never shewed himself to the electors till he had been returned at the head of the poll. Even then—as I have heard from one of his nearest relatives—it was with reluctance that he submitted to be chaired. He shrank from being made a shew. He loved the people, and he served them; but Coriolanus himself was not less fit to canvass them. I will mention one other name—that of a man of whom I have only a childish recollection, but who must have been intimately known to many of those who hear me—Mr. Henry Thornton. He was a man eminently upright, honourable, and religious—a man of strong understanding—a man of great political science—but, in all respects, the very reverse of a mob-orator. He was a man who would not have yielded to what he considered as unreasonable clamour—I will not say to save his seat—but to save his life. Yet he continued to represent Southwark, Parliament after Parliament, for many years. Such has been the conduct of the scot-and-lot voters of the metropolis, and there is clearly less reason to expect democratic violence from £10 householders than from scot-and-lot householders; and from £10

householders in the country-towns than from £10 householders in London. The experience, I say, therefore, is on our side; and on the side of our opponents nothing but mere conjecture, and mere assertion. Sir, when this Bill was first brought forward, I supported it not only on the ground of its intrinsic merits, but, also, because I was convinced that to reject it would be a course full of danger. I believe that the danger of that course is in no respect diminished. I believe, on the contrary, that it is increased. We are told that there is a reaction. The warmth of the public feeling, it seems, has abated. In this story both the sections of the party opposed to Reform are agreed—those who hate Reform, because it will remove abuses, and those who hate it, because it will avert anarchy—those who wish to see the electing body controlled by ejections, and those who wish to see it controlled by constitutional squeezes. They must now, I think, be undeceived. They must have already discovered that the surest way to prevent a reaction is, to talk about it, and that the enthusiasm of the people is at once rekindled by any indiscreet mention of their seeming coolness. This, Sir, is not the first reaction which the sagacity of the Opposition has discovered since the Reform Bill was brought in. Every Gentleman who sat in the late Parliament—every Gentleman who, during the sitting of the late Parliament, paid attention to political speeches and publications, must remember how, for some time before the debate on General Gascoyne's motion, and during the debate on that motion, and down to the very day of the dissolution, we were told that public feeling had cooled. The right hon. Baronet, the member for Tamworth, told us so. All the literary organs of the Opposition, from the *Quarterly Review* down to the *Morning Post*, told us so. All the members of the Opposition with whom we conversed in private told us so. I have in my eye a noble friend of mine, who assured me, on the very night which preceded the dissolution, that the people had ceased to be zealous for the Ministerial plan, and that



we were more likely to lose than to gain by the elections. The appeal was made to the people; and what was the result? What sign of a reaction appeared among the Livery of London? What sign of a reaction did the hon. Baronet who now represents Okehampton find among the free-holders of Cornwall? How was it with the large represented towns? Had Liverpool cooled?—or Bristol? or Leicester? or Coventry? or Nottingham? or Norwich? How was it with the great seats of manufacturing industry—Yorkshire, and Lancashire, and Staffordshire, and Warwickshire, and Cheshire? How was it with the agricultural districts—Northumberland and Cumberland, Leicestershire and Lincolnshire, Kent and Essex, Oxfordshire, Hampshire, Somersetshire, Dorsetshire, Devonshire? How was it with the strong-holds of aristocratical influence, Newark, and Stamford, and Hertford, and St. Alban's? Never did any people display, within the limits prescribed by law, so generous a fervour, or so steadfast a determination, as that very people whose apparent languor had just before inspired the enemies of Reform with a delusive hope. Such was the end of the reaction of April; and, if that lesson shall not profit those to whom it was given, such and yet more signal will be the end of the reaction of September. The two cases are strictly analogous. In both cases the people were eager when they believed the Bill to be in danger, and quiet when they believed it to be in security. During the three or four weeks which followed the promulgation of the Ministerial plan, all was joy, and gratitude, and vigorous exertion. Everywhere meetings were held—everywhere resolutions were passed—from every quarter were sent up petitions to this House, and addresses to the Throne—and then the nation, having given vent to its first feelings of delight—having clearly and strongly expressed its opinions—having seen the principle of the Bill adopted by the House of Commons on the second reading—became composed, and awaited the result with a tranquillity which the Opposition mistook for indifference. All at once the

aspect of affairs changed. General Gascoyne's amendment was carried—the Bill was again in danger—exertions were again necessary. Then was it well seen whether the calmness of the public mind was any indication of slackness! The depth and sincerity of the prevailing sentiments were proved, not by mere talking, but by actions, by votes, by sacrifices. Intimidation was defied—expenses were rejected—old ties were broken—the people struggled manfully—they triumphed gloriously—they placed the Bill in perfect security, as far as this House was concerned, and they returned to their repose. They are now, as they were on the eve of General Gascoyne's motion, awaiting the issue of the deliberations of Parliament, without any indecent shew of violence, but with anxious interest and immovable resolution. And because they are not exhibiting that noisy and rapturous enthusiasm, which is in its own nature transient—because they are not as much excited as on the day when the plan of the Government was first made known to them, or on the day when the late Parliament was dissolved—because they do not go on week after week, hallooing, and holding meetings, and marching about with flags, and making bonfires, and illuminating their houses—we are again told that there is a reaction. To such a degree can men be deceived by their wishes, in spite of their own recent experience! Sir, there is no reaction; and there will be no reaction. All that has been said on this subject convinces me only that those who are now, for the second time, raising this cry, know nothing of the crisis in which they are called on to act, or of the nation which they aspire to govern—all their opinions respecting this Bill are founded on one great error. They imagine that the public feeling concerning Reform is a mere whim which sprang up suddenly out of nothing, and which will as suddenly vanish into nothing. They, therefore, confidently expect a reaction. They are always looking out for a reaction. Everything that they see, or that they hear, they construe into a sign of the approach of

this reaction. They resemble the man in Horace, who lies on the bank of the river, expecting that it will every moment pass by and leave him a clear passage—not knowing the depth and abundance of the fountain which feeds it—not knowing that it flows, and will flow on for ever. They have found out a hundred ingenious devices by which they deceive themselves. Sometimes they tell us that the public feeling about Reform was caused by the events which took place at Paris about fourteen months ago; though every observant and impartial man knows, that the excitement which the late French revolution produced in England, was not the cause but the effect of that progress which liberal opinions had made amongst us. Sometimes they tell us, that we should not have been troubled with any complaints on the subject of the Representation, if the House of Commons had agreed to a certain motion, made in the Session of 1830, for inquiry into the causes of the public distress. I remember nothing about that motion, except that it gave rise to the dullest debate ever known; and the country, I am firmly convinced, cared not one straw about it. But is it not strange that men of real talents can deceive themselves so grossly, as to think that any change in the Government of a foreign nation, or the rejection of any single motion, however popular, could all at once raise up a great, rich, enlightened nation, against its representative institutions? Could such small drops have produced an overflowing, if the vessel had not already been filled to the very brim? These explanations are incredible, and if they were credible, would be anything but consolatory. If it were really true that the English people had taken a sudden aversion to a representative system which they had always loved and admired, because a single division in Parliament had gone against their wishes, or because, in a foreign country, under circumstances bearing not the faintest analogy to those in which we are placed, a change of dynasty had happened, what hope could we have for such a nation of madmen? How could we expect that the present



form of government, or any form of government, would be durable amongst them?—Sir, the public feeling concerning Reform is of no such recent origin, and springs from no such frivolous causes. Its first faint commencement may be traced far—very far—back in our history. During seventy years it has had a great influence on the public mind. Through the first thirty years of the reign of George III., it was gradually increasing. The great leaders of the two parties in the State were favourable to Reform. It was supported by large and most respectable minorities in the House of Commons. The French Revolution, filling the higher and middle classes with an extreme dread of change, and the war calling away the public attention from internal to external politics, threw the question back; but the people never lost sight of it. Peace came, and they were at leisure to think of domestic improvements. Distress came, and they suspected, as was natural, that their distress was the effect of unfaithful stewardship and unskilful legislation. An opinion favourable to Parliamentary Reform grew up rapidly, and became strong among the middle classes. But one tie—one strong tie—still bound those classes to the Tory party, I mean the Catholic Question. It is impossible to deny, that on that subject a large proportion—a majority, I fear—of the middle class of Englishmen, conscientiously held opinions opposed to those which I have always entertained, and were disposed to sacrifice every other consideration to what they considered as religious duty. Thus the Catholic Question hid, so to speak, the question of Parliamentary Reform: the feeling in favour of Parliamentary Reform grew, but it grew in the shade. Every man, I think, must have observed the progress of that feeling in his own social circle. But few Reform meetings were held, and few petitions in favour of Reform presented. At length the Catholics were emancipated; the solitary link of sympathy which attached the people to the Tories was broken; the cry of “No Popery” could no longer be opposed to the cry of “Reform.”

That which, in the opinion of the two great parties in Parliament, and of a vast portion of the community, had been the first question, suddenly disappeared; and the question of Parliamentary Reform took the first place; then was put forth all the strength which that question had gathered in secret; then it appeared that Reform had on its side a coalition of interests and opinions unprecedented in our history—all the liberality and intelligence which had supported the Catholic claims, and all the clamour which had opposed them. This, I believe, is the true history of that public feeling on the subject of Reform, which has been ascribed to causes quite inadequate to the production of such an effect. If ever there was in the history of mankind a national sentiment which was the very opposite of a caprice—with which accident had nothing to do—which was produced by the slow, steady, certain progress of the human mind, it is the feeling of the English people on the subject of Reform. Accidental circumstances may have brought that feeling to maturity in a particular year, or a particular month. That point I will not dispute, for it is not worth disputing; but those accidental circumstances have brought on Reform, only as the circumstance that, at a particular time, indulgences were offered to sale in a particular town in Saxony, brought on the great separation from the Church of Rome. In both cases the public mind was prepared to move on the slightest impulse. Thinking thus of the public opinion concerning Reform—being convinced that this opinion is the mature product of time and of discussion—I expect no reaction. I no more expect to see my countrymen again content with the mere semblance of a Representation, than to see them again drowning witches or burning heretics—trying causes by red-hot plough-shares, or offering up human sacrifices to wicker idols. I no more expect a reaction in favour of Gatton and Old Sarum, than a reaction in favour of Thor and Odin. I should think such a reaction almost as much a miracle, as that the shadow should go back upon the dial. **Revo-**

lutions produced by violence are often followed by reactions; the victories of reason once gained, are gained for eternity. In fact, if there be in the present aspect of public affairs, any sign peculiarly full of evil omen to the opponents of Reform, it is that very calmness of the public mind on which they found their expectations of success. They think that it is the calmness of indifference. It is the calmness of confident hope; and in proportion to the confidence of hope will be the bitterness of disappointment. Disappointment, indeed, I do not anticipate. That we are certain of success in this House is now acknowledged; and our opponents have, in consequence, during the whole of our Session, and particularly during the present debate, addressed their arguments and exhortations rather to the Lords than to the assembly of which they are themselves Members. Their principal argument has always been, that the Bill will destroy the peerage. The hon. and learned member for Rye has, in plain terms, called on the Barons of England to save their order from democratic encroachments, by rejecting this measure. All these arguments—all these appeals being interpreted, mean this: "Proclaim to your countrymen that you have no common interests with them, no common sympathies with them; that you can be powerful only by their weakness, and exalted only by their degradation; that the corruptions which disgust them, and the oppression against which their spirit rises up, are indispensable to your authority; that the freedom and purity of election are incompatible with the very existence of your House. Give them clearly to understand that your power rests, not as they have hitherto imagined, on their rational conviction, or their habitual veneration, or your own great property, but on a system fertile of political evils, fertile also of low iniquities of which ordinary justice takes cognizance. Bind up, in inseparable union, the privileges of your estate with the grievances of ours; resolve to stand or fall with abuses visibly marked out for destruction; tell the people that they are attacking you in attacking the



three holes in the wall, and that they shall never get rid of the three holes in the wall till they have got rid of you—that a hereditary peerage, and a representative assembly, can co-exist only in name—that, if they will have a House of Peers, they must be content with a mock House of Commons.” This, I say, is the advice, bestowed on the Lords, by those who call themselves the friends of aristocracy. That advice so pernicious will not be followed, I am well assured; yet I cannot but listen to it with uneasiness. I cannot but wonder that it should proceed from the lips of men who are constantly lecturing us on the duty of consulting history and experience. Have they ever heard what effects counsels like their own, when too faithfully followed, have produced? Have they ever visited that neighbouring country, which still presents to the eye, even of a passing stranger, the signs of a great dissolution and renovation of society? Have they ever walked by those stately mansions, now sinking into decay, and portioned out into lodging-rooms, which line the silent streets of the Fauxbourg St. Germain? Have they ever seen the ruins of those castles whose terraces and gardens overhang the Loire? Have they ever heard that from those magnificent hotels, from those ancient castles, an aristocracy as splendid, as brave, as proud, as accomplished as ever Europe saw, was driven forth to exile and beggary—to implore the charity of hostile Governments and hostile creeds—to cut wood in the back settlements of America—or to teach French in the school-rooms of London? And why were those haughty nobles destroyed with that utter destruction? Why were they scattered over the face of the earth, their titles abolished, their escutcheons defaced, their parks wasted, their palaces dismantled, their heritage given to strangers? Because they had no sympathy with the people—no discernment of the signs of their time—because, in the pride and narrowness of their hearts, they called those whose warnings might have saved them, theorists and speculators, because they refused all concession till

the time had arrived when no concession would avail. I have no apprehension that such a fate awaits the nobles of England. I draw no parallel between our aristocracy and that of France. Those who represent the Lords as a class whose power is incompatible with the just influence of the middle orders in the State, draw the parallel, and not I. They do all in their power to place the Lords and Commons of England in that position with respect to each other in which the French gentry stood with respect to the Tiers Etat. But I am convinced that these advisers will not succeed. We see, with pride and delight, among the friends of the people, the Talbots, the Cavendishes, the princely house of Howard. Foremost among those who have entitled themselves, by their exertions in this House, to the lasting gratitude of their countrymen, we see the descendants of Marlborough, of Russel, and of Derby. I hope, and firmly believe, that the Lords will see what their interest and their honour require. I hope, and firmly believe, that they will act in such a manner as to entitle themselves to the esteem and affection of the people. But if not, let not the enemies of Reform imagine that their reign is straightway to recommence, or that they have obtained anything more than a short and weary respite. We are bound to respect the constitutional rights of the Peers ; but we are bound also not to forget our own. We, too, have our privileges—we, too, are an estate of the realm. A House of Commons, strong in the love and confidence of the people—a House of Commons which has nothing to fear from a dissolution, is something in the Government. Some persons, I well know, indulge a hope that the rejection of the Bill will at once restore the domination of that party which fled from power last November, leaving everything abroad and everything at home in confusion—leaving the European system, which it had built up at a vast cost of blood and treasure, falling to pieces in every direction—leaving the dynasties which it had restored, hastening into exile—leaving the nations which it had joined

together, breaking away from each other—leaving the fund holders in dismay—leaving the peasantry in insurrection—leaving the most fertile counties lighted up with the fires of incendiaries—leaving the capital in such a state, that a royal procession could not safely pass through it. Dark and terrible, beyond any season within my remembrance of political affairs, was the day of their flight. Far darker and far more terrible will be the day of their return; they will return in opposition to the whole British nation, united as it was never before united on any internal question—united as firmly as when the Armada was sailing up the channel—united as when Bonaparte pitched his camp on the cliffs of Boulogne. They will return pledged to defend evils which the people are resolved to destroy; they will return to a situation in which they can stand only by crushing and trampling down public opinion, and from which, if they fall, they may, in their fall, drag down with them the whole frame of society. Against such evils, should such evils appear to threaten the country, it will be our privilege and our duty to warn our gracious and beloved Sovereign. It will be our privilege and our duty to convey the wishes of a loyal people to the throne of a patriot king. At such a crisis the proper place for the House of Commons is in the front of the nation; and in that place this House will assuredly be found. Whatever prejudice or weakness may do elsewhere to ruin the empire, here, I trust, will not be wanting the wisdom, the virtue, and the energy that may save it.



## ON THE STATE OF THE NATION.\*

OCTOBER 10, 1831.

I DOUBT, Sir, whether any person who had merely heard the speech of the right hon. member for the University of Cambridge, would have been able to conjecture what the question is which we are discussing, and what the occasion on which we are assembled. For myself I can with perfect sincerity declare, that never in the whole course of my life did I feel my mind oppressed by so deep and solemn a sense of responsibility as at the present moment. I firmly believe that the country is now in danger of calamities greater than ever threatened it, from domestic misgovernment or from foreign hostility. The danger is no less than this—that there may be a complete alienation of the people from their rulers. To soothe the public mind, to reconcile the people to the delay—the short delay—which must intervene before their wishes can be legitimately gratified; and in the mean time, to avert civil discord, and to uphold the authority of law—these are, I conceive, the objects of my noble friend, the member for Devonshire—these ought, at the present crisis, to be the objects of every honest Englishman. They are objects which will assuredly be attained, if we rise to this great occasion—if we take our stand in the place which the Constitution has assigned to us—if we employ, with becoming firmness and dignity, the powers which belong to us as trustees of the nation, and as advisers of the Throne. Sir, the Resolution of my noble friend consists of two parts. He calls upon us to declare our undiminished attachment to the principles of the Reform Bill, and also our undiminished confidence in his Majesty's Ministers. I con-

\* Hansard, 3d Series, vol. viii. p. 390-399,

sider these two declarations as identical. The Question of Reform is, in my opinion, of such paramount importance, that, approving the principles of the Ministerial Bill, I must think the Ministers who have brought that Bill forward, although I may differ from them on some minor points, entitled to the strongest support of Parliament. The right hon. Gentleman, the member for the University of Cambridge, has attempted to divert the course of the Debate to questions comparatively unimportant. He has said much about the coal-duty, about the candle-duty, about the budget of the present Chancellor of the Exchequer. On most of the points to which he has referred, it would be easy for me, were I so inclined, to defend the Ministers; and where I could not defend them, I should find it easy to recriminate on those who preceded them. The right hon. member for the University of Cambridge has taunted the Ministers with the defeat which their measure respecting the timber trade sustained in the last Parliament. I might, perhaps, at a more convenient season, be tempted to inquire whether that defeat was more disgraceful to them or to their predecessors. I might, perhaps, be tempted to ask the right hon. Gentleman, whether, if he had not been treated, while in office, with more fairness than he has shown while in opposition, it would have been in his power to carry his best measure—the Beer Bill? He has accused the Ministers of bringing forward financial measures, and then withdrawing those measures. Did not he bring forward, during the Session of 1830, a plan respecting the sugar duties? and was not that plan withdrawn? But, Sir, this is mere trifling. I will not be seduced from the matter in hand by the right hon. Gentleman's example. At the present moment I can see only one question in the State—the Question of Reform; only two parties—the friends of the Bill and its enemies. It is not my intention, Sir, again to discuss the merits of the Reform Bill. The principle of that Bill received the approbation of the late House of Commons after ten nights' discussion; and the Bill

as it now stands, after a long and most laborious investigation passed the present House of Commons by a majority which was nearly half as large again as the minority. This was a little more than a fortnight ago. Nothing has since occurred to change our opinion. The justice of the case is unaltered. The public enthusiasm is undiminished. Old Sarum has grown no larger, Manchester has grown no smaller. In addressing this House, therefore, I am entitled to assume that the Bill is in itself a good Bill. If so, ought we to abandon it merely because the Lords have rejected it? We ought to respect the lawful privileges of their House; but we ought also to assert our own. We are constitutionally as independent of their Lordships, as their Lordships are of us; we have precisely as good a right to adhere to our opinion as they have to dissent from it. In speaking of their decision, I will attempt to follow that example of moderation which was so judiciously set by my noble friend, the member for Devonshire; I will only say that I do not think them more competent to form a correct judgment on a political question than we are. It is certain that on all the most important points on which the two Houses have for a long time past differed, the Lords have at length come over to the opinion of the Commons. I am therefore entitled to say, that with respect to all those points, the Peers themselves being judges, the House of Commons was in the right and the House of Lords in the wrong. It was thus with respect to the Slave-trade—it was thus with respect to Catholic Emancipation—it was thus with several other important Questions. I, therefore, cannot think that we ought, on the present occasion, to surrender our judgment to those who have acknowledged that, on former occasions of the same kind, we have judged more correctly than they have. Then again, Sir, I cannot forget how the majority and the minority in this House were composed; I cannot forget that the majority contained almost all those Gentlemen who are returned by large bodies of electors. It is, I believe, no exaggeration to say, that there were single Members of



the majority who had more constituents than the whole minority put together. I speak advisedly and seriously; I believe that the number of freeholders of Yorkshire exceeds that of all the electors who return the Opposition. I cannot with propriety comment here on any reports which may have been circulated concerning the majority and minority in the House of Lords. I may, however, mention these notoriously historical facts—that during the last forty years the powers of the executive Government have been, almost without intermission, exercised by a party opposed to Reform; and that a very great number of Peers have been created, and all the present Bishops raised to the bench during those years. On this Question, therefore, while I feel more than usual respect for the judgment of the House of Commons, I feel less than usual respect for the judgment of the House of Lords. Our decision is the decision of the nation; the decision of their Lordships can scarcely be considered as the decision even of that class from which the Peers are generally selected, and of which they may be considered as virtual Representatives—the great landed gentlemen of England. I think, therefore, that we ought to adhere to our opinion concerning the Reform Bill. The next question is this—ought we to make a formal declaration that we adhere to our opinion? I think that we ought to make such a declaration; and I am sure that we cannot make it in more temperate or more constitutional terms than those which my noble friend asks us to adopt. I support the Resolution which he has proposed with all my heart and soul; I support it as a friend to Reform; but I support it still more as a friend to law, to property, to social order. No observant and unprejudiced man can look forward without great alarm to the effects which the recent decision of the Lords may possibly produce. I do not predict—I do not expect—open, armed insurrection. What I apprehend is this—that the people may engage in a silent, but extensive and persevering war against the law. What I apprehend is, that England may exhibit the

same spectacle which Ireland exhibited three years ago—agitators stronger than the Magistrate, associations stronger than the law, a Government powerful enough to be hated, and not powerful enough to be feared, a people bent on indemnifying themselves by illegal excesses for the want of legal privileges. I fear, that we may before long see the tribunals defied, the tax-gatherer resisted, public credit shaken, property insecure, the whole frame of society hastening to dissolution. It is easy to say—"Be bold—be firm—defy intimidation—let the law have its course—the law is strong enough to put down the seditious." Sir, we have heard this blustering before; and we know in what it ended. It is the blustering of little men whose lot has fallen on a great crisis. Xerxes scourging the winds, Canute commanding the waves to recede from his footstool, were but types of the folly of those who apply the maxims of the Quarter Sessions to the great convulsions of society. The law has no eyes; the law has no hands; the law is nothing—nothing but a piece of paper printed by the King's printer, with the King's arms at the top—till public opinion breathes the breath of life into the dead letter. We found this in Ireland. The Catholic Association bearded the Government. The Government resolved to put down the Association. An indictment was brought against my hon. and learned friend, the member for Kerry. The Grand Jury threw it out. Parliament met. The Lords Commissioners came down with a speech recommending the suppression of the self-constituted legislature of Dublin. A bill was brought in; it passed both Houses by large majorities; it received the Royal assent. And what effect did it produce? Exactly as much as that old Act of Queen Elizabeth, still unrepealed, by which it is provided that every man who, without a special exemption, shall eat meat on Fridays and Saturdays, shall pay a fine of 20s. or go to prison for a month. Not only was the Association not destroyed; its power was not for one day suspended; it flourished and waxed strong under the law which had been made for the purpose of annihilating it. The elections

of 1826—the Clare election two years later—proved the folly of those who think that nations are governed by wax and parchment—and, at length, in the close of 1828, the Government had only one plain alternative before it—concession or civil war. Sir, I firmly believe, that if the people of England shall lose all hope of carrying the Reform Bill by constitutional means, they will forthwith begin to offer to the Government the same kind of resistance which was offered to the late Government, three years ago by the people of Ireland—a resistance by no means amounting to rebellion—a resistance rarely amounting to any crime defined by the law—but a resistance nevertheless which is quite sufficient to obstruct the course of justice, to disturb the pursuits of industry and to prevent the accumulation of wealth. And is not this a danger which we ought to fear? And is not this a danger which we are bound, by all means in our power, to avert? And who are those who taunt us for yielding to intimidation? Who are those who affect to speak with contempt of associations, and agitators, and public meetings? Even the very persons who, scarce two years ago, gave up to associations, and agitators, and public meetings, their boasted Protestant Constitution, proclaiming all the time that they saw the evils of Catholic Emancipation as strongly as ever. Surely—surely—the note of defiance which is now so loudly sounded in our ears, proceeds with a peculiarly bad grace from men whose highest glory it is that they abased themselves to the dust before a people whom their policy had driven to madness—from men the proudest moment of whose lives was that in which they appeared in the character of persecutors scared into toleration. Do they mean to indemnify themselves for the humiliation of quailing before the people of Ireland by trampling on the people of England? If so, they deceive themselves. The case of Ireland, though a strong one, was by no means so strong a case as that with which we have now to deal. The Government, in its struggle with the Catholics of Ireland, had Great Britain at its back.



Whom will it have at its back in the struggle with the Reformers of Great Britain? I know only two ways in which societies can permanently be governed—by public opinion, and by the sword. A Government having at its command the armies, the fleets, and the revenues of Great Britain, might possibly hold Ireland by the sword. So Oliver Cromwell held Ireland; so William III. held it; so Mr. Pitt held it; so the Duke of Wellington might perhaps have held it. But to govern Great Britain by the sword—so wild a thought has never, I will venture to say, occurred to any public man of any party; and, if any man were frantic enough to make the attempt, he would find, before three days had expired, that there is no better sword than that which is fashioned out of a ploughshare. But, if not by the sword, how is the country to be governed? I understand how the peace is kept at New York. It is by the assent and support of the people. I understand also how the peace is kept at Milan. It is by the bayonets of the Austrian soldiers. But how the peace is to be kept when you have neither the popular assent nor the military force—how the peace is to be kept in England by a Government acting on the principles of the present Opposition, I do not understand. There is in truth a great anomaly in the relation between the English people and their Government. Our institutions are either too popular or not popular enough. The people have not sufficient power in making the laws; but they have quite sufficient power to impede the execution of the laws once made. The Legislature is almost entirely aristocratical; the machinery by which the decrees of the Legislature are carried into effect is almost entirely popular; and, therefore, we constantly see all the power which ought to execute the law, employed to counteract the law. Thus, for example, with a criminal code which carries its rigour to the length of atrocity, we have a criminal judicature which often carries its lenity to the length of perjury. Our law of libel is the most absurdly severe that ever existed—so absurdly severe that, if it were carried into full effect, it would

be much more oppressive than a censorship. And yet, with this severe law of libel, we have a Press which practically is as free as the air. In 1819 the Ministers complained of the alarming increase of seditious and blasphemous publications. They proposed a law of great rigour to stop the growth of the evil ; and they obtained their law. It was enacted, that the publisher of a seditious libel might, on a second conviction, be banished, and that if he should return from banishment, he might be transported. How often was this law put in force? Not once. Last year we repealed it ; but it was already dead, or rather it was dead born. It was obsolete before *le Roi le veut* had been pronounced over it. For any effect which it produced it might as well have been in the Code Napoleon as in the English Statute-book. And why did the Government, having solicited and produced so sharp and weighty a weapon, straightway hang it up to rust? Was there less sedition, were there fewer libels, after the passing of the Act than before it? Sir, the very next year was the year 1820—the year of the Bill of Pains and Penalties—the very year when the public mind was most excited—the very year when the public Press was most scurrilous. Why then did not the Ministers use their new law? Because they durst not ; because they could not. They had obtained it with ease ; for in obtaining it they had to deal with a subservient Parliament. They could not execute it ; for in executing it they would have to deal with a refractory people. These are instances of the difficulty of carrying the law into effect when the people are inclined to thwart their rulers. The great anomaly, or, to speak more properly, the great evil which I have described, would, I believe, be removed by the Reform Bill. That Bill would establish perfect harmony between the people and the Legislature. It would give a fair share in the making of laws to those without whose co operation laws are mere waste paper. Under a reformed system we should not see, as we now often see, the nation repealing Acts of Parliament as fast as we and the Lords can pass them.

As I believe that the Reform Bill would produce this blessed and salutary concord, so I fear that the rejection of the Reform Bill, if that rejection should be considered as final, will aggravate the evil which I have been describing to an unprecedented, to a terrible extent. To all the laws which might be passed for the collection of the revenue, or for the prevention of sedition, the people would oppose the same kind of resistance by means of which they have succeeded in mitigating—I might say in abrogating—the law of libel. There would be so many offenders, that the Government would scarcely know at whom to aim its blow. Every offender would have so many accomplices and protectors, that the blow would almost always miss the aim. The veto of the people—a veto not pronounced in set form, like that of the Roman Tribunes, but quite as effectual as that of the Roman Tribunes—for the purpose of impeding public measures, would meet the Government at every turn. The Administration would be unable to preserve order at home, or to uphold the national honour abroad: and at length men who are now moderate, who now think of revolution with horror, would begin to wish that the lingering agony of the State might be terminated by one fierce, sharp, decisive crisis? Is there a way of escape from these calamities? I believe that there is. I believe that if we do our duty—if we give the people reason to believe that the accomplishment of their wishes is only deferred—if we declare our undiminished attachment to the Reform Bill, and our resolution to support no Minister who will not support that Bill, we shall avert the fearful disasters which impend over the country. There is danger that, at this conjuncture, men of more zeal than wisdom may obtain a fatal influence over the public mind. With these men will be joined others, who have neither zeal nor wisdom—common barrators in politics—dregs of society which, in times of violent agitation, are tossed up from the bottom to the top, and which, in quiet times, sink again from the top to their natural place at the bottom. To these men nothing is so hate-



ful as the prospect of a reconciliation between the orders of the State. A crisis like that, which now makes every honest citizen sad and anxious, fills these men with joy, and with a detestable hope. And how is it that such men, formed by nature and education to be objects of mere contempt, can ever inspire terror? How is it that such men, without talents or acquirements sufficient for the management of a vestry, sometimes become dangerous to great empires? The secret of their power lies in the indolence or faithlessness of those who ought to take the lead in the redress of public grievances. The whole history of low traders in sedition is contained in that fine old Hebrew fable which we have all read in the Book of Judges. The trees meet to choose a king. The vine, and the fig-tree, and the olive tree, decline the office. Then it is that the sovereignty of the forest devolves upon the bramble: then it is that from a base and noxious shrub goes forth the fire which devours the cedars of Lebanon. Let us be instructed. If we are afraid of Political Unions, and Reform Associations, let the House of Commons become the chief point of political union; let the House of Commons be the great Reform association. If we are afraid that the people may attempt to accomplish their wishes by unlawful means, let us give them a solemn pledge that we will use in their cause all our high and ancient privileges—so often victorious in old conflicts with tyranny—those privileges which our ancestors invoked, not in vain, on the day when a faithless King filled our house with his guards, took his seat, Sir, on your chair, and saw your predecessor kneeling on the floor before him. The Constitution of England, thank God, is not one of those Constitutions which are past all repair, and which must, for the public welfare, be utterly destroyed. It has a decayed part; but it has also a sound and precious part. It requires purification; but it contains within itself the means by which that purification may be effected. We read that in old times, when the villeins were driven to revolt by oppression, when the castles of the nobility

were burned to the ground—when the warehouses of London were pillaged—when a hundred thousand insurgents appeared in arms on Blackheath—when a foul murder perpetrated in their presence had raised their passions to madness—when they were looking round for some captain to succeed and avenge him whom they had lost—just then, before Hob Miller, or Tom Carter, or Jack Straw, could place himself at their head, the King rode up to them and exclaimed, “I will be your leader”—and at once the infuriated multitude laid down their arms, submitted to his guidance—dispersed at his command. Herein let us imitate him. Our countrymen are, I fear, at this moment, but too much disposed to lend a credulous ear to selfish impostors. Let us say to them, “We are your leaders—we, your own House of Commons—we, the constitutional interpreters of your wishes—the knights of forty English shires, the citizens and burgesses of all your largest towns. Our lawful power shall be firmly exerted to the utmost in your cause; and our lawful power is such, that when firmly exerted in your cause it must finally prevail.” This tone it is our interest and our duty to take. The circumstances admit of no delay. Is there one among us who is not looking with breathless anxiety for the next tidings which may arrive from the remote parts of the kingdom? Even while I speak the moments are passing away—the irrevocable moments pregnant with the destiny of a great people. The country is in danger; it may be saved; we can save it. This is the way—this is the time. In our hands are the issues of great good and great evil—the issues of the life and death of the State. May the result of our deliberations be the repose and prosperity of that noble country which is entitled to all our love; and for the safety of which we are answerable to our consciences, to the memory of future ages, to the Judge of all hearts!

## ON PARLIAMENTARY REFORM.\*

DECEMBER 16, 1831.

I CAN assure my noble friend, for whom I entertain sentiments of respect and kindness, which no political difference will, I trust, ever disturb, that his remarks have given me no pain, except, indeed, the pain which I feel at being compelled to say a few words about myself. Those words shall be very few. I know how unpopular egotism is in this House. My noble friend says, that, in the debates of last March, I declared myself opposed to the ballot, and that I have since recanted, for the purpose of making myself popular with the inhabitants of Leeds. My noble friend is altogether mistaken. I never said in any debate, that I was opposed to the ballot. The word ballot never passed my lips within this House. I observed strict silence respecting it on two accounts: in the first place, because my own opinions were, till very lately, undecided; in the second place, because I knew that the agitation of that question, a question of which the importance appears to me to be greatly over-rated, would divide those on whose firm and cordial union the safety of the empire depends. My noble friend has taken this opportunity of replying to a speech which I made last October. The doctrines which I then laid down were, according to him, most intemperate and dangerous. Now, Sir, it happens curiously enough, that my noble friend has himself asserted, in his speech of this night, those very doctrines, in language so nearly resembling mine, that I might fairly accuse him of plagiarism. I said, that laws have no force in themselves, and that unless supported by

\* Hansard, 3d Series, vol. ix p. 278-392.



public opinion, they are a mere dead letter. The noble Lord has said exactly the same thing to-night. "Keep your old Constitution," is his argument; "for whatever may be its defects in theory, it has more of the public veneration than your new constitution will have; and no laws can be efficient, unless they have the public veneration." I said, that statutes are in themselves only wax and parchment, and I was called an incendiary by the Opposition. The noble Lord has said to-night, that statutes in themselves are only ink and parchment; and those very persons who reviled me, have enthusiastically cheered him. It is, evidently, not from the principle which I laid down, but from the application of the principle that they dissent. But, Sir, it is time that I should address myself to the momentous question before us. I shall certainly give my best support to this Bill through all its stages; and in so doing, I conceive that I shall act in strict conformity with the resolution by which this House, towards the close of the late Session, declared its unabated attachment to the principles and to the leading provisions of the first Reform Bill. All those principles, all those leading provisions, I find in the present measure. In the details there are, undoubtedly, considerable alterations. Most of the alterations appear to me to be improvements; and even those alterations which I cannot consider as being in themselves improvements, will yet be most useful, if their effect shall be to conciliate opponents, and to facilitate the adjustment of a question which, for the sake of order, for the sake of peace, for the sake of trade, ought to be not only satisfactorily, but speedily settled. We have been told, Sir, that, if we pronounce this Bill to be a better Bill than the last, we recant all the doctrines which we maintained during the last Session; we sing our palinode; we allow that we have had a great escape; we allow that our own conduct was deserving of censure; we allow that the party which was the minority in this House, and, most unhappily for the country, the majority in the other House, has saved the country from a great calamity. Sir, even if

this charge were well founded, there are those who should have been prevented by prudence, if not by magnanimity, from bringing it forward. I remember an Opposition which took a very different course. I remember an Opposition which, while excluded from power, taught all its doctrines to the Government; which, after labouring long, and sacrificing much, in order to effect improvements in various parts of our system, saw the honor of those improvements appropriated by others. But the members of that Opposition had, I believe, a sincere desire to promote the public good. They, therefore, raised no shout of triumph over the recantations of their neophytes. They rejoiced, but with no ungenerous joy, when their principles of trade, of jurisprudence, of foreign policy, of religious liberty, became the principles of the Administration. They were content that he who came into fellowship with them at the eleventh hour should have a far larger share of the reward than those who had borne the burthen and heat of the day. In the year 1828, a single division in this House changed the whole policy of the Government with respect to the Test and Corporation Acts. My noble friend, the Paymaster of the Forces, then sat where the right Hon. Baronet, the member for Tamworth, now sits. I do not remember that when the right hon. Baronet announced his change of purpose, my noble friend sprang up to talk about palinodes, to magnify the wisdom and virtue of the Whigs, and to sneer at his new coadjutors. Indeed, I am not sure that the members of the late Opposition did not carry their indulgence too far—that they did not too easily suffer the fame of Grattan and Romilly to be transferred to less deserving claimants—that they were not too ready, in the joy with which they welcomed the tardy and convenient repentance of their converts, to grant a general amnesty for the errors or the insincerity of years. If it were true that we had recanted, this ought not to be made matter of charge against us by men whom posterity will remember by nothing but recantations. But, in truth, we recant nothing—we have nothing

to recant.—We support this Bill—we may possibly think it a better Bill than that which preceded it. But are we therefore bound to admit that we were in the wrong—that the Opposition was in the right—that the House of Lords has conferred a great benefit on the nation? We saw—who did not see—great defects in the first Bill? —But did we see nothing else? Is delay no evil? Is prolonged excitement no evil? Is it no evil that the heart of a great people should be made sick by deferred hope? We allow that many of the changes which have been made are improvements. But we think that it would have been far better for the country to have had the last Bill, with all its defects, than the present Bill, with all its improvements. Second thoughts are proverbially the best, but there are emergencies which do not admit of second thoughts. There probably never was a law which might not have been amended by delay. But there have been many cases in which there would have been more mischief in the delay, than benefit in the amendments. The first Bill, however inferior it may have been in its details to the present Bill, was yet herein far superior to the present Bill—that it was the first. If the first Bill had passed, it would, I firmly believe, have produced a complete reconciliation between the aristocracy and the people. It is my earnest wish and prayer that the present Bill may produce this blessed effect; but I cannot say that my hopes are so sanguine as they were at the beginning of the last Session. The decision of the House of Lords has, I fear, excited in the public mind feelings of resentment which will not soon be allayed. What then, it is said, would you legislate in haste? Would you legislate in times of great excitement concerning matters of such deep concern? Yes, Sir, I would: and if any bad consequences should follow from the haste and the excitement, let those be held answerable who, when there was no need of haste, when there existed no excitement, refused to listen to any project of Reform—nay, who made it an argument against Reform, that the public mind was not excited. When few meetings were held, when few petitions were



sent up to us, these politicians said, "Would you alter a Constitution with which the people are perfectly satisfied?" And now, when the kingdom from one end to the other is convulsed by the question of Reform, we hear it said by the very same persons, "Would you alter the Representative system in such agitated times as these?" Half the logic of misgovernment lies in this one sophistical dilemma:—If the people are turbulent, they are unfit for liberty: if they are quiet, they do not want liberty. I allow, that hasty legislation is an evil. I allow that there are great objections to legislating in troubled times. But Reformers are compelled to legislate fast, because bigots will not legislate early. Reformers are compelled to legislate in times of excitement, because bigots will not legislate in times of tranquillity. If, ten years ago—nay, if only two years ago, there had been at the head of affairs, men who understood the signs of the times and the temper of the nation, we should not have been forced to hurry now. If we cannot take our time, it is because we have to make up their lost time. If they had reformed gradually, we might have reformed gradually; but we are compelled to move fast, because they would not move at all. Though I admit, Sir, that this Bill is in its details superior to the former Bill, I must say, that the best parts of this Bill—those parts for the sake of which principally I support it—those parts for the sake of which I would support it, however imperfect its details might be, are parts which it has in common with the former Bill. It destroys nomination; it admits the great body of the middle orders to a share in the government; and it contains provisions which will, as I conceive, greatly diminish the expense of elections. Touching the expense of elections, I will say a few words, because that part of the subject has not, I think, received so much attention as it deserves. Whenever the nomination boroughs are attacked, the opponents of Reform produce a long list of eminent men who have sat for those boroughs, and who, they tell us, would never have taken any part in public affairs but for those boroughs

Now, Sir, I suppose no person will maintain that a large constituent body is likely to prefer ignorant and incapable men, to men of information and ability? Whatever objections there may be to democratic institutions, it was never, I believe, doubted that those institutions are favourable to the development of talents. We may prefer the constitution of Sparta to that of Athens, or the constitution of Venice to that of Florence, but no person will deny that Athens produced more great men than Sparta, or that Florence produced more great men than Venice. But to come nearer home: the five largest English towns which now have the right of returning two Members each by popular election, are Westminster, Southwark, Liverpool, Bristol, and Norwich. Now let us see what Members those places have sent to Parliament. I will not speak of the living, though among the living are some of the most distinguished ornaments of the House. I will confine myself to the dead. Among many respectable and useful members of Parliament, whom these towns have returned, during the last half century, I find Mr. Burke, Mr. Fox, Mr. Sheridan, Mr. Windham, Mr. Tierney, Sir Samuel Romilly, Mr. Canning, Mr. Huskisson. These were eight of the most illustrious parliamentary leaders of the generation which is passing away from the world. Mr. Pitt was, perhaps, the only person worthy to make a ninth with them. It is, surely, a remarkable circumstance that, of the nine most distinguished Members of the House of Commons who have died within the last forty years, eight should have been returned to Parliament by the five largest represented towns. I am, therefore, warranted in saying, that great constituent bodies are quite as competent to discern merit, and quite as much disposed to reward merit, as the proprietors of boroughs. It is true that some of the distinguished statesmen whom I have mentioned would never have been known to large constituent bodies if they had not first sate for nomination boroughs. But, why is this? Simply, because the expense of contesting popular places, under the present system, is

ruinously great. A poor man cannot defray it; an untried man cannot expect his constituents to defray it for him. And this is the way in which our Representative system is defended. Corruption vouches corruption. Every abuse is made the plea for another abuse. We must have nomination at Gatton, because we have profusion at Liverpool. Sir, these arguments convince me, not that no Reform is required, but that a very deep and searching Reform is required. If two evils serve in some respects to counterbalance each other, this is a reason, not for keeping both, but for getting rid of both together. At present you close against men of talents that broad, that noble entrance which belongs to them, and which ought to stand wide open to them; and in exchange you open to them a bye-entrance—low and narrow—always obscure—often filthy—through which, too often, they can pass only by crawling on their hands and knees, and from which they too often emerge sullied with stains never to be washed away. But take the most favourable case. Suppose that the Member who sits for a nomination borough, owes his seat to a man of virtue and honour, to a man whose service is perfect freedom, to a man who would think himself degraded by any proof of gratitude which might degrade his nominee. Yet, is it nothing that he comes into this House wearing the badge, though not feeling the chain of servitude? Is it nothing that he cannot speak of his independence without exciting a smile? Is it nothing that he is considered, not as a Representative, but as an adventurer? This is what your system does for men of genius. It admits them to political power, not as, under better institutions, they would be admitted to power, erect—independent—unsullied—but by means which corrupt the virtue of many, and in some degree diminish the authority of all. Could any system be devised, better fitted to pervert the principles and break the spirit of men formed to be the glory of their country? And, can we mention no instance in which this system has made such men useless, or worse than useless, to the country of which



their talents were the ornament, and might, under happier circumstances, have been the salvation? Ariel—the beautiful and kindly Ariel, doing the bidding of the loathsome and malignant Sycorax, is but a faint type of genius enslaved by the spells, and employed in the drudgery, of corruption—

“A spirit too delicate

“To act those earthy and abhorred commands.”

We cannot do a greater service to men of real merit, than by destroying that system which has been called their refuge—which is their house of bondage; by taking from them the patronage of the great, and giving to them in its stead the respect and confidence of the people. The Bill now before us will, I believe, produce that happy effect. It facilitates the canvass; it reduces the expense of legal agency; it shortens the poll; above all, it disfranchises the out-voters. It is not easy to calculate the precise extent to which these changes will diminish the cost of elections. I have attempted, however, to obtain some information on this subject. I have applied to a gentleman of great experience in affairs of this kind—a gentleman who, at the three last general elections, managed the finances of the popular party in one of the largest boroughs in the kingdom. He tells me, that at the general election of 1826, when the borough was contested, the expenses of the popular candidate amounted to 18,000*l.*; and that by the best estimate which can now be made, the borough may, under the reformed system, be as effectually contested for one-tenth part of that sum. In the new constituent bodies there are no ancient rights reserved. In those bodies, therefore, the expense of an election will be still smaller. I firmly believe, that it will be possible to poll out Manchester for less than the market price of Old Sarum. Sir, I have, from the beginning of these discussions, supported reform on two grounds, first, because I believe it to be in itself a good thing—and secondly, because I think the dangers of with-

holding it to be so great, that even if it were an evil, it would be the less of two evils. The dangers of the country have in no wise diminished. I believe that they have greatly increased. It is, I fear, impossible to deny, that what has happened with respect to almost every great question that ever divided mankind has happened also with respect to the Reform Bill. Wherever great interests are at stake there will be much excitement, and wherever there is much excitement there will be some extravagance. The same great stirring of the human mind which produced the Reformation produced also the follies and crimes of the Anabaptists. The same spirit which resisted the Ship-money, and abolished the Star-chamber, produced the Levellers and the Fifth-monarchy men. And so, it cannot be denied that bad men, availing themselves of the agitation produced by the question of Reform, have promulgated, and promulgated with some success, doctrines incompatible with the existence—I do not say of monarchy, or of aristocracy—but of all law, of all order, of all property, of all civilization, of all that makes us to differ from Mohawks or Hottentots. I bring no accusation against that portion of the working classes which has been imposed upon by these doctrines. Those persons are what their situation has made them—ignorant from want of leisure—irritable from the sense of distress. That they should be deluded by impudent assertions, and gross sophisms—that, suffering cruel privations, they should give ready credence to promises of relief—that, never having investigated the nature and operation of government, they should expect impossibilities from it, and should reproach it for not performing impossibilities—all this is perfectly natural. No errors which they may commit, ought ever to make us forget that it is in all probability owing solely to the accident of our situation that we have not fallen into errors precisely similar. There are few of us who do not know from experience, that, even with all our advantages of education, pain and sorrow can make us very querulous and very

unreasonable. We ought not, therefore, to be surprised that, as the Scotch proverb says, "it should be ill talking between a full man and a fasting;" that the logic of the rich man who vindicates the rights of property, should seem very inconclusive to the poor man who hears his children cry for bread. I bring, I say, no accusation against the working classes. I would withhold from them nothing which it might be for their good to possess. I see with pleasure that, by the provisions of the Reform Bill, the most industrious and respectable of our labourers will be admitted to a share in the government of the State. If I would refuse to the working people that larger share of power which some of them have demanded, I would refuse it, because I am convinced that, by giving it, I should only increase their distress. I admit that the end of government is their happiness. But, that they may be governed for their happiness, they must not be governed according to the doctrines which they have learned from their illiterate, incapable, low-minded flatterers. But, Sir, the fact that such doctrines have been promulgated among the multitude is a strong argument for a speedy and effectual Reform. That government is attacked is a reason for making the foundations of government broader, and deeper, and more solid. That property is attacked, is a reason for binding together all proprietors in the firmest union. That the agitation of the question of Reform has enabled worthless demagogues to propagate their notions with some success, is a reason for speedily settling the question in the only way in which it can be settled. It is difficult, Sir, to conceive any spectacle more alarming than that which presents itself to us, when we look at the two extreme parties in this country—a narrow oligarchy above—an infuriated multitude below,—on the one side the vices engendered by power; on the other side the vices engendered by distress; the one party blindly averse to improvement, the other party blindly clamouring for destruction—the one party ascribing to political abuses the sanctity of property, the other party crying out against property as a political abuse. Both



these parties are alike ignorant of their true interest. God forbid that the State should ever be at the mercy of either, or should ever experience the calamities which must result from a collision between them! I anticipate no such horrible event. For, between those two parties stands a third party, infinitely more powerful than both the others put together, attacked by both, vilified by both, but destined, I trust, to save both from the fatal effects of their own folly. To that party I have never ceased, through all the vicissitudes of public affairs, to look with confidence, and with a good hope. I speak of that great party which zealously and steadily supported the first Reform Bill, and which will, I have no doubt, support the second Reform Bill with equal steadiness, and equal zeal. That party is the middle class of England, with the flower of the aristocracy at its head, and the flower of the working classes bringing up its rear. That great party has taken its immovable stand between the enemies of all order, and the enemies of all liberty. It will have Reform: it will not have Revolution: it will destroy political abuses—it will not suffer the rights of property to be assailed—it will preserve, in spite of themselves, those who are assailing it, from the right and from the left, with contradictory accusations—it will be a daysman between them—it will lay its hand upon them both—it will not suffer them to tear each other in pieces. While that great party continues unbroken, as it now is unbroken, I shall not relinquish the hope that this great contest may be conducted, by lawful means, to a happy termination. But, of this I am assured, that, by means, lawful or unlawful, to a termination, happy or unhappy, this contest must speedily come. All that I know of the history of past times—all the observations that I have been able to make on the present state of the country—have convinced me, that the time has arrived, when a great concession must be made to the democracy of England—that the question, whether the change be in itself good or bad, has become a question of secondary importance—that, good or bad, the thing must be done—that a law as

thing as the laws of attraction and motion has decreed it. I well know that history, when we look at it in small portions, may be so construed as to mean any thing—that it may be interpreted in as many ways as a Delphic oracle. “The French Revolution,” says one expositor, “was the effect of concession.” “Not so,” cries another, “the French Revolution was produced by the obstinacy of an arbitrary government.” “If the French nobles,” says the first, “had refused to sit with the *tiers état*, they would never have been driven from their country.” “They would never have been driven from their country,” answers the other, “if they had agreed to the reforms proposed by M. Turgot.” These controversies can never be brought to any decisive test, or to any satisfactory conclusion. But, as I believe that history, when we look at it in small fragments, proves any thing, or nothing, so I believe that it is full of useful and precious instruction when we contemplate it in large portions—when we take in, at one view, the whole life-time of great societies. I believe that it is possible to obtain some insight into the law which regulates the growth of communities, and some knowledge of the effects which that growth produces. The history of England, in particular, is the history of a government constantly giving way—sometimes peaceably, sometimes after a violent struggle—but constantly giving way before a nation which has been constantly advancing. The forest-laws—the law of villenage—the oppressive power of the Roman Catholic Church—the power, scarcely less oppressive, which, for some time after the Reformation, was exercised by the Protestant Establishment—the prerogatives of the Crown—the censorship of the Press—successively yielded. The abuses of the Representative system are now yielding to the same irresistible force. It was impossible for the Stuarts—and it would have been impossible for them if they had possessed all the energy of Richelieu, and all the craft of Mazarin,—to govern England as it had been governed by the Tudors. It was impossible for the princes of the House of Hanover

to govern England as it had been governed by the Stuarts. And so it is impossible that England should be any longer governed as it was governed under the four first princes of the House of Hanover. I say impossible. I believe that over the great changes of the moral world we possess as little power as over the great changes of the physical world. We can no more prevent time from changing the distribution of property and of intelligence—we can no more prevent property and intelligence from aspiring to political power—than we can change the courses of the seasons and of the tides. In peace or in tumult—by means of old institutions, where those institutions are flexible—over the ruins of old institutions, where those institutions oppose an unbending resistance, the great march of society proceeds, and must proceed. The feeble efforts of individuals to bear back are lost and swept away in the mighty rush with which the species goes onward. Those who appear to lead the movement are, in fact, only whirled along before it; those who attempt to resist it, are beaten down and crushed beneath it. It is because rulers do not pay sufficient attention to the stages of this great movement—because they underrate its force—because they are ignorant of its law, that so many violent and fearful revolutions have changed the face of society. We have heard it said a hundred times during these discussions—we have heard it said repeatedly, in the course of this very debate, that the people of England are more free than ever they were—that the Government is more democratic than ever it was; and this is urged as an argument against Reform. I admit the fact; but I deny the inference. It is a principle never to be forgotten, in discussions like this, that it is not by absolute, but by relative misgovernment that nations are roused to madness. It is not sufficient to look merely at the form of government. We must look also to the state of the public mind. The worst tyrant that ever had his neck wrung in modern Europe might have passed for a paragon of clemency in Persia or Morocco. Our Indian subjects submit patiently to a monopoly of



salt. We tried a stamp duty—a duty so light as to be scarcely perceptible—on the fierce breed of the old Puritans; and we lost an empire. The Government of Louis 16th was certainly a much better and milder government than that of Louis 14th; yet Louis 14th was admired, and even loved, by his people. Louis 16th died on the scaffold. Why? Because, though the government had made many steps in the career of improvement, it had not advanced so rapidly as the nation. Look at our own history. The liberties of the people were at least as much respected by Charles 1st, as by Henry 8th—by James 2nd, as by Edward 6th. But did this save the crown of James 2nd? Did this save the head of Charles 1st? Every person who knows the history of our civil dissensions, knows that all those arguments which are now employed by the opponents of the Reform Bill, might have been employed, and were actually employed, by the unfortunate Stuarts. The reasoning of Charles, and of all his apologists, runs thus:—“What new grievance does the nation suffer? What has the King done more than what Henry did—more than what Elizabeth did? Did the people ever enjoy more freedom than at present—did they ever enjoy so much freedom?” But what would a wise and honest counsellor—if Charles had been so happy as to possess such a counsellor—have replied to arguments like these? He would have said, “Sir, I acknowledge that the people were never more free than under your government. I acknowledge that those who talk of restoring the old Constitution of England use an improper expression. I acknowledge that there has been a constant improvement during those very years, in which many persons imagine that there has been a constant deterioration. But though there has been no change in the government for the worse, there has been a change in the public mind, which produces exactly the same effect which would be produced by a change in the government for the worse. Perhaps this change in the public mind is to be regretted. But no matter; you cannot reverse it. You cannot

undo all that eighty eventful years have done. You cannot transform the Englishmen of 1640 into the Englishmen of 1560. It may be that the submissive loyalty of our fathers was preferable to that inquiring, censuring, resisting spirit which is now abroad. It may be, that the times when men paid their benevolences cheerfully were better times than these, when a gentleman goes before the Exchequer Chamber to resist an assessment of 20s. And so it may be, that infancy is a happier time than manhood, and manhood than old age. But God has decreed that old age shall succeed to manhood, and manhood to infancy. Even so have societies their law of growth. As their strength becomes greater—as their experience becomes more extensive, you can no longer confine them within the swaddling-bands, or lull them in the cradles, or amuse them with the rattles, or terrify them with the bugbears of their infancy. I do not say, that they are better or happier than they were; but this I say;—they are different from what they were: you cannot again make them what they were, and you cannot safely treat them as if they continued to be what they were.” This was the advice which a wise and honest Minister would have given to Charles 1st. These were the principles on which that unhappy prince should have acted. But no. He would govern—I do not say ill—I do not say tyrannically; I say only this, he would govern the men of the seventeenth century as if they had been the men of the sixteenth century; and therefore it was, that all his talents and all his virtues did not save him from unpopularity—from civil war—from a prison—from a bar—from a scaffold. These things are written for our instruction. Another great intellectual revolution has taken place; our lot has been cast on a time analogous, in many respects, to the time which immediately preceded the meeting of the Long Parliament. There is a change in society. There must be a corresponding change in the government. We are not—we cannot, in the nature of things, be—what our fathers were. We are no more like the men of the American

war, or the men of the gagging bill; than the men who cried "privilege" round the coach of Charles 1st were like the men who changed their religion once a year, at the bidding of Henry 8th. That there is such a change, I can no more doubt than I can doubt that we have more power-looms, more steam-engines, more gas-lights, than our ancestors. That there is such a change, the Minister will surely find—if ever such a Minister should arise—who shall attempt to fit the yoke of Mr. Pitt to the necks of the Englishmen of the nineteenth century. What then can you do to bring back those times when the constitution of this House was an object of veneration to the people? Even as much as Strafford and Laud could do to bring back the days of the Tudors—as much as Bonner and Gardiner could do to bring back the days of Hildebrand—as much as Villèle and Polignac could do to bring back the days of Louis 14th. You may make the change tedious; you may make it violent; you may—God in his mercy forbid!—you may make it bloody; but avert it you cannot. Agitations of the public mind, so deep and so long continued as those which we have witnessed, do not end in nothing. In peace or in convulsion; by the law, or in spite of the law; through the Parliament, or over the Parliament, reform must be carried. Therefore, be content to guide that movement which you cannot stop. Fling wide the gates to that force which else will enter through the breach. Then will it still be, as it has hitherto been, the peculiar glory of our Constitution that, though not exempt from the decay which is wrought by the vicissitudes of fortune, and the lapse of time, in all the proudest works of human power and wisdom, it yet contains within it the means of self-reparation. Then will England add to her manifold titles of glory this the noblest and the purest of all—that every blessing which other nations have been forced to seek, and have too often sought in vain, by means of violent and bloody revolutions, she will have attained by a peaceful and a lawful Reform.



## ON THE ANATOMY BILL.\*

FEBRUARY 27, 1832.

SIR, I cannot, even at this late hour of the night, refrain from saying two or three words. Most of the observations of the hon. member for Preston I pass by, as undeserving of any answer, before an audience like this. But on one part of his speech, I must make a few remarks. We are, says he, making a law to benefit the rich, at the expense of the poor. Sir, the fact is the direct reverse of this. This is a bill which tends especially to the benefit of the poor. What are the evils against which we are attempting to make provision? Two especially; that is to say, the practice of Burking and bad surgery. Now to both these the poor alone are exposed. What man, in our rank of life, runs the smallest risk of being Burked? That a man has property, that he has connexions, that he is likely to be missed and sought for, are circumstances which secure him against the Burker. It is curious to observe the difference between murders of this kind and other murders. An ordinary murderer hides the body, and disposes of the property. Bishop and Williams dig holes and bury the property, and expose the body to sale. The more wretched, the more lonely, any human being may be, the more desirable prey is he to these wretches. It is the man, the mere naked man that they pursue. Again, as to bad surgery; this is, of all evils, the evil by which the rich suffer least, and the poor most. If we could do all that in the opinion of the member for Preston ought to be done.—if we could prevent disinterment,—if we could

\* Hansard, 3d Series, vol. x. 1832, p. 842-3.

prevent dissection,—if we could destroy the English school of anatomy,—if we could force every student of the medical science to go to the expense of a foreign education, on whom would the bad consequences fall? On the rich? Not at all. As long as there is in France, in Italy, in Germany, a single surgeon of eminent skill, a single surgeon who is, to use the phrase of the member for Preston, addicted to dissection, that surgeon will be in attendance whenever an English nobleman is about to undergo a critical operation. The higher orders in England will always be able to procure the best medical assistance. Who suffers by the bad state of the Russian school of surgery? The Emperor Nicholas?—By no means. But the poor dispersed over the country. If the education of a surgeon should become very expensive, if the fees of surgeons should rise, if the supply of regular surgeons should diminish, the sufferers would be, not the rich, but the poor in our country villages, who would again be left to mountebanks, and barbers, and old women; to charms and quack medicines. The hon. Gentleman talks of sacrificing the interests of humanity to the interests of science, as if this were a question about the squaring of the circle, or the transit of Venus. This is not a mere question of science—it is not the unprofitable exercise of an ingenious mind—it is a question of care and pain. It is a question of life and death. Does the hon. Gentleman know from what cruel sufferings the improvement of surgical science has rescued our species? I will tell him one story, the first that comes into my head. He may have heard of Leopold, Duke of Austria, the same who imprisoned our Richard Cœur-de-Lion. Leopold's horse fell under him, and crushed his leg. The surgeons said that the limb must be amputated; but none of them knew how to amputate it. Leopold, in his agony, laid a hatchet on his thigh, and ordered his servant to strike with a mallet. The leg was cut off, and he died of the gush of blood. Such was the end of that powerful prince. Why, there is not now a bricklayer who falls

from a ladder in England, who cannot obtain surgical assistance, infinitely superior to that which the sovereign of Austria could command in the twelfth century. I think this a bill which tends to the good of the people, and which tends especially to the good of the poor. Therefore I support it. If it is unpopular, I am sorry for it. But I shall cheerfully take my share of its unpopularity. For such, I am convinced, ought to be the conduct of one whose object it is, not to flatter the people, but to serve them.



## ON PARLIAMENTARY REFORM.\*

FEBRUARY 28, 1832.

*The Bill for England, Committee, 17th Day.*

HE felt unwilling to occupy the time of the House upon this subject, after the observations which he had thought it his duty to make in the course of the last Session. But the extreme solicitude he felt on account of the importance of the question, and of the peculiar circumstances under which they were called on to discuss it, compelled him to make a few observations on the subject. In that, as in every other place, the first grand object in the discussion of these questions was, to clear the ground, and settle upon whom lay the burthen of proof. It was his opinion, that the burden of proof in this instance lay upon the Opposition. He considered that he was speaking to a House of Reformers—there might be one or two exceptions; but the great body on that and on the other side of the House had, he believed, agreed that some change in the Representation must take place. He did not assert that every individual in that House entertained that opinion; but he could not avoid taking it for granted, that the great majority of the Opposition did; for he was warranted in saying, that, in a great majority of the speeches they had delivered, they had admitted the necessity of some change. If he did not entertain the opinion he now expressed as to their sentiments, he must put aside all the addresses sent up from the country by the noblemen and gentlemen who, in their different counties, had opposed this

\* Hansard, 3d Series, vol. x. 1832, p. 926-932

measure of Reform, but all of whom had said, that some change was necessary—that some Reform must take place—and that some large bodies of people must have representatives given to them. If the fact was as he had stated, they on the side of the House on which he sat proposed that, as part of the large communities entitled to Representation, the metropolitan districts should be represented. If enfranchisement ought to be part of the Reform that the times required, and that Gentlemen opposite admitted to be necessary, it was for those Gentlemen to shew why the places now proposed should not partake of the advantages of enfranchisement. He was aware that they had no precise standard by which to determine what were the towns that should receive Representatives. He should use the word importance, to constitute that standard; for though it was possible to raise quibbles upon it, none could possibly deny, that, if they were compelled to bestow representation on one of two places, they would rather bestow it upon a town like Manchester than upon a petty village, and their choice would be guided by the greater importance of the place selected. If they took the amount of population as the standard of importance—if they adopted that of the number of 10*l.* houses—if they took the amount of the assessed taxes—if they took the wealth—if they adopted intelligence as their criterion—indeed, estimate it as they might, let them take any combination of arithmetical figures that they pleased—let them multiply or divide—let them subtract or add—let them adopt the course pointed out by Lieutenant Drummond, or that of the hon. Member who proposed to decide the question by the square root of population and taxes—in short, let them take whatever course of arithmetic they pleased, there was none from which these metropolitan districts would not come marked with the proofs of a most undoubted importance. If they took population, wealth, and intelligence, as the standard by which to measure their decision, fifty would be a more proper number of Representatives than eight to

give to these districts. That was a fact recognised by the hon. and learned Gentleman himself. It was admitted by all hon. Members that, in all these elements of fitness for the formation of a constituency, the metropolitan districts stood higher than any other. If so, it was for those who wished to withhold the enfranchisement to give the reason why it should be withheld. The noble Lord had offered some reasons for refusing the Members to these districts, which reasons the hon. and learned Gentleman had most elaborately exerted himself to upset. What, said the hon. and learned Gentleman, will you let loose 150,000 voters—will you give the rights of franchise to such an immense body? Yes, said the noble Lord, I will add Marylebone to Westminster—I will give the Tower Hamlets and Finsbury to the City, and Lambeth to Southwark. Yes, they who had talked so much of swamping constituencies—who had exclaimed so loudly against such a course—who affected so much dread of a large constituency—actually proposed to swamp Westminster with Marylebone; to swamp the City with Finsbury and the Tower Hamlets; and to swamp Southwark with Lambeth; and that, too, although at the same time they described the present constituencies of each of these places as sufficiently numerous. What, were they not afraid of the unhealthful state of the metropolis—of the agitation excited by elections among such very large constituencies? No, they seemed to be afraid of none of these things when they made the proposal. Of what, then, were they afraid? Of eight Members. Simply of eight Members—that must be the cause of their fear. But the fear was still more remarkable, for the noble Lord proposed to add two Members to Middlesex; so that it might be said, that the noble Lord feared six members—a number not so great as was returned by some individual Peers under the present system to that House. The only argument against giving Representatives to the metropolitan districts was, that the Members would be called to a very strict account by their constituents; that



they would not speak their own sense, but merely the fluctuating sense of those who sent them as their Representatives. But that argument applied as strongly to the instances of Members returned by individuals. He did not understand the grounds on which those who represented the submission of Members to be called to account by a numerous constituency as a disgrace, while they thought it a point of honour to submit to the same strictness of account to an individual. He did not understand that spirit of honour that could lick the heels of an oligarchy, while it spurned at the wishes of the people. He did not understand that point of honour which made a man boast that he had gone out of his seat because he had voted in a particular manner against the wish of one man, his patron, while he taunted another Member for quitting his seat solely because he had offended 12,000 persons. But supposing this strictness of calling to account to be an evil, was that evil confined to the metropolitan districts? Certainly not. During the discussion on the Catholic Claims there were many Gentlemen who disguised their opinion—who compromised their real wishes and feelings—for fear of offending their constituents. He did not understand on what ground they were more afraid on the subject of the influence to be exercised by the constituency in the metropolitan districts than in other large towns. He knew an instance of an individual who declared that there were many Gentlemen who said on that occasion, that they could not vote for the Catholic Question, if they wished to retain their seats. That, however, was not the evil of popular Representation alone. It was the fault of all Representations, individual and numerous. To suppose otherwise would be to manifest an ignorance of human nature. But the great argument really was, in plain words, a dread of the preponderance of the people. There might be some evil in that; but if it was an evil, it was one which this Bill would not increase. It had always been found that a great city exercised an influence over the empire of which it formed a part, but that influence was

not connected with the number of Representatives it possessed. It might, indeed, exist without the city having any Representative at all, and was nowhere so great as under arbitrary and despotic Governments. It was unnecessary to remind the House that at Rome the despotic emperors, while they exercised the most unbounded, and the most brutal tyranny over the people, yet thought it necessary to conciliate the populace with expensive shows. At Madrid, under their tyrannical government, the mob often compelled their despot king to promise the dismissal of an obnoxious Minister; they had done so in the reign of Charles II. and again in that of Charles III. They had risen in the streets; surrounded the palace of the king; compelled him to appear on the balcony, and to promise them all they demanded. That had nothing to do with the share which the people of Madrid had in the Cortes. If there was any country in which the people exercised a morbid influence over the government, it was in Turkey, in despotic Turkey—even there, where reigned the most absolute, the most unmitigated despotism, the most iron-handed tyranny, the Sultan was often forced to sacrifice his ministers, and obey the will of the people living in the neighbourhood of the Seraglio. That was an influence which nothing could take away but an earthquake like that of Lisbon. That species of influence would always be possessed by London, and nothing would remove it but such a fierce and dreadful calamity, as that which in a great degree overwhelmed this great city in 1666. But did the noble Lord propose to take away that influence? The noble Lord knew it was impossible. From all time the City of London had been of great importance in the struggles of party and of the people; and it had generally, by the force of its power, decided those struggles; but it would be absurd to think of making a law to regulate a power which was only to be dreaded when all law was at an end. As long as the rule of law continued, the power of London would only consist of the number of votes it had in that

House. When law was at an end, the power of London would consist of 1,500,000 persons, and of that power there was nothing to deprive it. As long as regular Government existed, the metropolis was, in fact, weak; but when the course of regular Government was disturbed, the metropolis possessed, and could employ, a vast and overwhelming force. But the noble Lord proposed that which would, in fact, increase the danger, for he would refuse to the metropolis all votes whatever. Without recurring to the speeches of any democratic orator, he could show the danger of this refusal, by proving the advantage of the concession. He would refer to the speech which Mr. Burke delivered on the question of conciliation with America. In that speech it was said by Mr. Burke, after referring to the dissensions that had existed in Wales, "A complete and not ill-proportioned Representation by counties and boroughs was bestowed upon Wales by Act of Parliament. From that moment, as by a charm, the tumults subsided, obedience was restored, peace, order, and civilization followed in the train of liberty—when the day-star of the English Constitution had arisen in their hearts, all was harmony within and without—

"*Simul alba nautis*

*Stella refulsit,*

*Defluit saxis agitatus humor:*

*Concidunt venti, fugiuntque nubes:*

*Et minax (quodd sic voluere) ponto*

*Unda recumbit."*

He had mentioned Madrid and Constantinople; but London differed from those cities in this respect, that the population of London had never assembled round the palace of the Sovereign, demanding the punishment of an obnoxious Minister. He repeated it—the population of London had never done this, at least in his memory. He had, indeed, seen the people assemble round their Sovereign,



with the warmest expressions of a sincere attachment. The people of London were orderly; but exactly as he believed them to be more orderly than the people of Madrid or Constantinople, because they had better modes of expressing their opinions, so did he believe, that the people of represented London would be more quiet than the people of unrepresented London. The cause of all commotions in States had been, that the natural and artificial powers did not correspond with each other. That had been the case with the governments of Greece and Italy. It was no new principle—it had been laid down by Aristotle—it had been maintained and exemplified by Machiavel. Its effects in the earlier ages were well known. In the last century it had produced the French Revolution; in this the cry for Reform. The danger was in struggling to resist that alteration which had been rendered necessary by the altered circumstances of the times. That danger this Bill was intended to rectify. It gave to the people a place in the government like that which they must have in society; and

prepared to bear with many anomalies, many practical grievances, rather than venture heedlessly on political alterations; but when a change had become absolutely necessary, as undoubtedly it had at present, then his opinion was that it should be full and effectual. It was dangerous to change often. The Constitution was more injured by being frequently tampered with than by a great revolution. If no Members were now given to the metropolitan districts, they would be demanded with clamour, and by that very people of whom the noble Marquis was so much afraid, in the first Session of the next Parliament. If Gentlemen believed, as they professed to believe, that the new Parliament would be more democratically inclined than the present, they must expect that it would not resist the demand, and that the alteration would be larger. The question, then, was, whether they should pass the Reform Bill, not without anomalies, for no measure could be without them, but in such a state as was sure to engender dislike and discontent in a large and influential body of voters. Ought they to frame it so as to outrage the feelings of those it professed to conciliate, and continue the abuses it proposed to destroy? He would support the proposition to give Members to the metropolitan districts, not only because Members ought to be given, but because the majority of that House were now on their trial before the country, and it was for them now to prove whether they were sincere or not; whether the pledge they had given in last October—to support the principle and the leading details of the Bill—was now to be redeemed. The question was not only whether the metropolitan districts should have eight Members or none, but whether they would carry the Bill or compromise it; compromise that to which they had pledged themselves, in order to gratify those, who, finding it impossible to throw out the Bill, resolved to fitter it away. He called on them, for God's sake, to be firm. The hon. Gentlemen who sat in that House for Ireland, would not suffer those who, in the last Parliament, had deprived

them of five Members, to flatter them into the belief that, by voting against this proposition, they would secure even a single additional Member for their country. But all the hon. Gentlemen who heard him, whatever district of the United Kingdom they were connected with, on this occasion owed a solemn duty to their country ; as they performed that duty, the confidence which they had justly earned would be confirmed or lost ; and, on this occasion, it was perfectly and completely true, that he who was **not with them, was against them.**



## ON PARLIAMENTARY REFORM.\*

MARCH 19, 1832.

*On the Bill for England—third Reading.*

MR. MACAULAY said, it was unnecessary for him to declare that he fully concurred in the feeling which the House had expressed at the speech of the hon. and learned Gentleman [Mr. Pemberton] who had just sat down, and if that hon. and learned Gentleman thought it necessary to apologize to the House, on account of having once before delivered a speech which, like that just concluded, met with the most enthusiastic reception, how much more necessary was it for him to offer some apology for again trespassing on the time of the House. He could not, however, suffer this occasion—the third reading of the Reform Bill—to pass over without coming forward once more to vindicate the principles he professed. The noble Lord who opened the debate, in a speech distinguished, like everything which fell from him, by the greatest ingenuity and ability, told the house that the first great evil of this bill was, that it pronounced an absolute condemnation upon our ancestors; and he asked whether we were prepared utterly to condemn all which they had done. He certainly was not prepared to take any such course; but, at the same time, he must say, that the men of the present day were better enabled to decide political questions than their ancestors. Government was not a matter of *à priori* reasoning, and must always be determined by experiment, and it was the essence of every experimental science that it should be progressive.

\* Hansard, 3d Series, vol. xi. 1832, p. 450-463.

Moreover, it was essential that every experiment concerning Government should be founded on the special and peculiar circumstances which called for it. Arguments, therefore, that were unanswerable a thousand years ago, would be very defective if applied to the present day; and he would venture to say, that there was no Gentleman in this House who would not be ashamed to be guided by the wisdom of our ancestors, if he were about to make an experiment on any other subject than that of Government. Take chemistry, botany, surgery, or any science, for example, in which ingenuity and invention were necessary, and there was no man in that House who would reject improvements in those sciences because they did not comport with the wisdom of our forefathers, or who would say that the present age, instead of being vastly superior to those times, was, in fact, very inferior. And why was that? Because these sciences depended on observation and experiment. Every age had greater opportunity for experiment than that which preceded it; and every age must, therefore, be considered as wiser than its predecessor. Like the other sciences he had mentioned, the science of Government was essentially an experimental science—that is, its conclusions were so wholly the creatures of experience, and its application so dependent upon ever-changing circumstances, that nought could be predicated of them of universal applicability. Political doctrines were not like the axioms and definitions of the geometer—of intrinsic truth, wholly uninfluenced by time and place; their worth and force depended on experience, and were necessarily as changing as the circumstances on which all experience was founded. This truth had been happily expressed by Lord Plunkett, with that noble person's characteristic force and stern precision of language. It was observed by him, that history not read in a philosophical manner was merely an old almanack. Another extraordinary doctrine had been advanced with respect to the payment of debts by nations, and their manner of discharging the duties which devolve

upon them. But he appealed to experience—was it not a fact, that, among all the democratic revolutions which had been witnessed, payment of no national debt had been refused on the ground assigned in this argument. There had been instances, both in monarchies and democracies, of the payment of debts being refused on account of the difficulty or impossibility of paying them; but no such course had been pursued as that which was stated by the noble Lord. Look to France—look to the different changes which had taken place in the representative system of that country—look to the changes of 1815, of 1817, of 1821, and of 1831, which were all constituted on entirely different principles, and yet, at this moment, the national credit was preserved. The only instance that he knew of a government refusing to discharge a debt on the ground that it was contracted by an illegitimate authority, was not the case of a democracy, but of a monarchy, where the government refused to pay a debt contracted under that very constitution which the king had sworn to maintain. The noble Lord also said, that the classes of men who ought not to be admitted into this House would be admitted by the Bill, and that those whom it would be desirable to admit would never be returned under this measure. He would again only refer to experience, and ask, whether that was the case in large towns which now possess the franchise? The noble Lord said, that the eldest sons of Peers would find great difficulty in obtaining seats in that House. Let him look over the lists of the sons of Peers returned for counties at the present time. Let the noble Lord look to Bedfordshire, Buckinghamshire, Dorsetshire, Northamptonshire, Northumberland, Lincolnshire, Westmoreland, Devonshire, Oxfordshire, and Cheshire; and he would find that there were at present but few sons of Peers returned as the Representatives of the people. The noble Lord was decidedly inaccurate in one of his statements; the noble Lord said, that, in the county of Northumberland this prejudice existed to a very great extent, and to that cause he attributed the circum-



stance of his noble friend, the under Secretary for the Colonies, being unsuccessful in the election of 1826. The noble Lord forgot that it was the eldest son of a Peer who contested the election with him, and was returned in opposition to him. The noble Lord had not proved his statement, which appeared to proceed entirely upon assumption. There was, however, another class of men, who, according to the noble Lord, would be excluded by the operation of this Bill—those Members who had been returned by the oligarchy of this House. The noble Lord thought it a hard case that they should be excluded, but the reason for their exclusion was a proper one, for they were not sent there by the people. The noble Lord also stated, that we had long enjoyed the blessings and protection of good Government, repeating that the system had practically worked well, and that the nation was, in fact, in a state of the greatest happiness and prosperity. Indeed, the hon. member for Oxford said, that we had attained such a state of prosperity, that we ought not to hazard it by making an experiment. If this argument proceeded on facts, he would admit that it was unanswerable. The happiness of nations might be influenced by causes unconnected with their political institutions; but, on the whole, there could be no doubt that the happiness of a people was the best test of the form of Government under which they lived. If it were proved that the House was about to destroy that constitution under which the people of England had long enjoyed so great a measure of happiness as that which the hon. Gentleman described, it would be acting the part of madmen. But he denied that the condition of the people of England was one of unmixed prosperity; and he denied that the Bill was a measure of unmixed destruction. When he heard it said, over and over again, that the English were the happiest people under the sun—when he heard this laid down as an undeniable proposition, which it would be unnecessary to prove, and absurd to deny—he could not but feel astonished at such an argument. From the first acquaintance he had had with

political affairs, he had heard, from all sides and from all parties, statements of the distressed situation of the people. Speech after speech from the Throne, parliamentary address after parliamentary address, had admitted the existence of great distress, expressing a vain hope that it would be but temporary. He scarcely remembered the time in which some great interest had not been complaining. It was certain that the people of this country were by no means in a prosperous condition. The hon. Baronet, the member for Oakhampton, himself, has distinctly told us, that all the cry for Reform originated in the severe distress of the people, and the indifference of the House to their complaints. The hon. member for Aldborough, too, frequently, in glowing and energetic terms, set forth the miserable state of our commercial and manufacturing classes, and distinctly attributed their distress to the legislative measures pursued by successive Parliaments. When the question of the currency, the renewal of the corn-laws, or the state of trade came before the House, then the country was described in a condition of the deepest distress, plunged into a state of absolute misery, a cloud was over us, our present condition was bad, but our future prospects were alarming. When the Reform Bill was under discussion, all our miseries vanished at once, the sun broke out, the clouds cleared away, the sky was bright, and we were the happiest people on the face of the earth! If hon. Gentlemen wanted a large issue of small notes, our condition was again gloomy, but when the case of Gatton or Old Sarum was noticed, then we laboured under no other imperfections than the unfaithfulness of our own hearts. Was it fair for hon. Gentlemen to describe the country as in a state of the greatest misery, when they complained of the political economists, and to speak of our people as the happiest under Heaven when they wished to attack the Reformers? For different opponents they had different weapons. The Reformers of our commercial code, they slew with the national distress, and with the national prosperity they sought to annihilate

the Reformers of the Constitution. The real situation of the country was midway between their extremes. There was much truth in both descriptions, but, at the same time, there was much fiction. He would, however, give his opponents their choice. If they ascribed to the institutions of the country the national greatness, let them also ascribe to those institutions all the evils the nation endured. If it was the Constitution which had improved the public credit, which had extended our trade—if it was the Constitution which had converted the barbarous hordes who once infested the Scottish borders into the finest peasantry in the world—if the Constitution had improved our machinery—if we owe to the Constitution the important factories of Manchester, and the gigantic docks of Liverpool—we were bound, by strict reason and justice, to ascribe to the Constitution, on the other hand, the heavy burthen of taxation under which the people labour, and against which they had to struggle, the frequent stagnation of trade, commerce, and manufactures, and the dreadful and deplorable situation of those parts of the country in which the rate of wages was scarcely sufficient for the support of animal life, in which the labourer, starved and wretched as he is, considers the parochial rates as a fund, not for his occasional relief, but for his daily maintenance; in which men may be met harnessed to cars like beasts of burthen, and in which the far-spreading light of midnight fires, and the outrages of incendiaries, have but too often indicated wretchedness and despair, starvation and daring recklessness. Hon. Gentlemen opposite generally content themselves with pursuing the very convenient course of contemplating only one side of the picture; they dwelt very fully on all the outward signs of our national prosperity, and they concluded, therefore, that the existing system must work most beneficially. There were also violent Reformers who had adopted a course directly the reverse, and who could see nothing in the present state of the country, but causes for apprehension and dismay. He could not agree in either of those extreme opinions.



He saw great cause for rejoicing, but also great cause for apprehension and dread. We had vast resources, but we had to bear great burthens. We had magnificent institutions, but they were surrounded by the most appalling misery, and heart-breaking famine and wretchedness. If he was to adopt the lesson of hon. Gentlemen opposite—if he was to judge of the system by its practical working—if he was to look at the condition of society, and pronounce upon the merits of our Constitution, he should be irresistibly led to this conclusion, as he saw great good alloyed by great evil, so in the Constitution there must be sound and just principles defaced by great corruptions. It was not difficult to ascertain which parts of the Constitution were the source of prosperity; nor would it be difficult to get rid of those corruptions to which we must attribute our distresses. The protection which the laws give to the liberty and property of the subject is a great advantage undoubtedly, and the mere existence of a House of Commons in which, however defective its Constitution, there have always been some Members chosen by the people, and zealous for their service, in which the smallest minority has some weight, and grievances, if not redressed, can at least be exposed, is, undoubtedly, some security for every other advantage. To these circumstances we owe our prosperity—and it was proposed, by the measure then under discussion, to give additional protection to the subject and make the House of Commons more useful to the people. The distress which the country had suffered, and of which it had so bitterly complained, he must attribute to an unthrifty squandering of the public money—to the injudicious measures of Government—to the negligence of that House—to defects in the Representative system, which had made the House more the council of the Government than the defender of the people—to laws deservedly unpopular, more easily adopted than they could have been under the eye of a reformed Parliament—to laws made for the benefit of particular classes at the expense of the people generally—in short, he attri-

buted the distress to Ministers who had not yet been controlled by Parliament, and to Parliament who had not before its eyes the fear of the people. The noble Lord who moved the Amendment had argued that in no instance had that House been reluctant to "back" Ministers in measures of public economy. What! the House of Commons merely backing Government who might be disposed to cut down useless expenditure of the public money—the House of Commons whose duty it was to force every Government to effect every reduction of the public expenditure compatible with the public service. Was that a description or justification of the House of Commons? The Commons ought to go before the Government in measures of economy, and force it to be wise. A reformed House of Commons would do it. But the utmost praise bestowed on it by the noble Lord—the negative praise of not being a greater spendthrift than the Government—was upon the House of Commons the bitterest satire. Those who supported the Bill were charged with loving democracy; for his part he had no idea that any species of Government was universally applicable. There was no universal form which could be assured of good Government. He would not make institutions for all ages and all nations. He gave his assent to the Bill because he thought it was adapted to this country at present, but he should think it unsuitable, because too democratic, for Hindostan, and because not democratic enough for New York. He had no more idea that a Government could be called good, which was not in unison with the feelings, habits, and opinions of the people governed, than that a coat could be called good which was not suited to the size or shape of the person for whom it was intended. A coat that does not fit is a bad coat, though it has been cut to suit the Apollo Belvidere. He did not support the present Bill because he thought that democratic institutions were best for all ages and for all countries, but because he thought that a more democratic constitution than that which now existed in this country, and in our age, would

produce good Government ; and because he believed that, under the present system of Representation, we would soon have no Government at all. He had never declared war with anomalies—he had never, to quote the words of the noble Lord opposite, confounded anomalies with abuses—he had never lifted up his hand against any anomaly, unless he saw in it a cause of misgovernment. He did not, therefore, support the Bill because it removed anomalies, but because it eradicated real abuses, and averted dangers, not imaginary or remote, but palpable and near. That, he conceived, would be the practical result of the Reform Bill. Some men sacrificed practical law to general doctrines ; they spoke with rapture of the beautiful machinery of the Constitution, but would not look to its practical working, nor take into consideration existing circumstances. The Representative system, as it at present existed, was said to be good. Be it so ; but it was good in vain, unless it suited the state of society for which it was intended. No Members of this House had advocated such arguments more strongly than the present opponents of this measure, when the propriety of giving liberal institutions to other countries had been under discussion. Whenever an attempt had been made to introduce into other countries our best institutions—whenever it had been proposed to give Spain or Naples the freedom of the Press, or the security of the Habeas Corpus Act, how often had it been said, that it was folly to legislate for those countries as if they were England—that what we considered tyrannical the Spaniards and the Neapolitans cherished as a privilege. How often has it been said, that it was absurd to force upon a people institutions which, however good in themselves, that people despise ! Was this argument to be used only on one side, and to be invalid when applied to the other ? When Spain or Naples was a question, hon. Gentlemen opposite reminded the House that governments should be accommodated to the wishes of the people—that popular institutions could not be useful nor stable, unless they harmonized with



public feeling and public opinion. But if this argument be good when applied to one description of institutions, was it not equally good when applied to another? Can hon. Gentlemen mention a greater blessing than the Habeas Corpus Act, or the trial by jury? No man would deny that it would have been absurd to apply these institutions to nations which did not value them. Would Gentlemen, however, say, that the existence of Old Sarum and Gaton was consistent with the feelings and wishes of the people? That was the true answer to those arguments which had been urged on former occasions, and which had been so eloquently advanced to-night by the noble Lord who opened this debate on the subject of prescription. Prescription was certainly advantageous to a Government, because it was very probable that a Government founded on prescription would possess a greater share of public respect than one which was born yesterday; but if a Government did not possess the public respect, it was in no way the better for prescription. A man would rather have the measles than the cholera (to make use of a homely illustration), because he would be less likely to die of the one than of the other; but if he must die of the measles, why he might as well have the cholera. If a government did not possess the public respect, it might as well be a Representative system of yesterday as of centuries back. In fact, there never was a great change which took away so little of what was really valuable as this did—which took away so little of what we love and respect, or which took away so little of what was connected with our feelings and entwined around our affections. The Reformation and the Revolution of 1688, and the first revolution in France, shocked the prejudices of great masses of people. Glorious as they were, and calculated to promote the public good, they were certainly effected at the expense of long-cherished feelings, deep-rooted affections, and close-entwined associations; but what was there of all that in the present Bill? Did it propose to touch any one thing which the people esteemed, respected, or

revered? Did it take from the Constitution anything but those which Mr. Burke called its shameful parts? Did it endanger the Government of the country? It was high time that some such measure as this should be introduced to preserve it, that the unpopular and worse parts of the Constitution should be separated from the good, or they would all perish together. But, however forcible the claims of prescription might be, the argument could not be justly used by the noble Lord, who had distinctly declared himself to be a Reformer. It was an argument which no Gentleman had a right to advance, who was disposed to agree to even the most moderate Reform, because the smallest possible change equally destroyed the claim of prescription as the most extensive and important alteration. Prescription might, like honour, be compared to Prince Rupert's drops, "one part cracked, the whole does fly." He appealed to the hon. Gentlemen opposite, whether they had not, in the debate on the question respecting the propriety of giving Members to Manchester, Leeds, and Sheffield, asserted, that if they once began to change, there would be no end to it. But they had now departed from their own principle; they admitted the necessity of some change, and all the arguments on the score of prescription must be at an end. The arguments urged against this Bill would apply with equal force against any plan of Reform whatever. A large majority of the Opposition called themselves Moderate Reformers; but the objections which they offered to the present Bill could be applied to any measure of practical reform. They talked of anomalies: could any plan of reform be devised in which anomalies would not exist? All reform must consist of disfranchisement and enfranchisement. To effect these objects lines must be drawn somewhere, and distinctions made, which would inevitably create anomalies, unless some uniform system were established, and at variance with, and sweeping away, the whole of our present institutions. They might take population, or assessed taxes, or whatever test they pleased, but

there would always, as they had already seen, be mathematicians ready to prove that their mode of computation would produce anomalies. The most symmetrical system of Representation was that of the United States—yet, even in that, it would be easy to point out anomalies. It, therefore, became moderate Reformers, who objected to the Bill on the ground of anomalies, to consider whether any plan of moderate Reform could be produced in which there would not be anomalies. Those who support any plan of Reform must admit one of two things; either that the present system did not work well—or that, working well, it ought to be changed, in deference to what must be considered unreasonable clamour, to which they were prepared to bend. Any plan would also be open to the objection of not being final; and none more so than a very niggardly one. Of every plan of Reform, it might be said, that it was the first step to revolution. It would always afford an opportunity of making allusions to the scenes of the French revolution; to the guillotine—to heads carried upon pikes, and all the horrors of that eventful period. All these topics, however, it would be recollected, were brought into requisition when the only question before the House was, whether Manchester, Leeds, and Birmingham should have representatives. Most of the hon. Members opposite called themselves Reformers; and he was entitled to demand their plan of Reform, in order that the House and country might see whether the objections which they had raised be applicable to the Ministerial plan alone, or be objections to which any plan of Reform must be liable, and such, therefore, as no person who called himself a Reformer was entitled to employ. That something must be done was admitted on all hands; While the Ministerial Bill was the only plan of Reform which had been proposed. The hon. Member who had just sat down said that, at the last election, people were compelled to vote in favour of candidates who supported the Reform Bill, because there was no other plan left before the country. They had no choice—it



was this plan or none. He had a right, under these circumstances, to call on the leaders of the hon. Members opposite to let the country know what their plan was; and he was entitled, in particular, to make this appeal to the right hon. member for Tamworth. The hon. Baronet stood at the head of a great party; he had filled a high situation in the state, and might possibly fill a still higher, and these were circumstances which not only gave him (Mr. Macaulay) a right, but made it his duty, to make observations freely, but respectfully, on the public conduct of the right hon. Baronet. After thirteen months of discussion on the question of Reform, all that the House knew of the opinion of one of its most distinguished Members was, that he was opposed to the Ministerial plan of Reform. He had, indeed, declared, that, though he would not himself have brought forward, yet he would have assented to, a measure of moderate Reform. What the plan of Reform was to which the right hon. Baronet would have assented—on what grounds he would have given his support to a measure which he thought unnecessary—and what were the reasons which made him to hesitate to bring forward such a plan himself, he had not yet explained to the House. The question of Reform might be a question which divided men's opinions, but with respect to the importance of the question all were agreed; and he could not understand, on looking to the high character and station of the right hon. Gentleman, how he could shrink from the responsibility of proposing such a measure as, in his opinion, would satisfy the country, and be less injurious in its effects than the Ministerial proposition. Yet all that the right hon. Gentleman had as yet said was, that he disliked the plan proposed by Government, and that there was a something which would have met with his assent, but that Ministers had not hit upon that something. But let the right hon. baronet observe the state of the public mind, the excitement which prevailed on the subject, and the delight with which the Ministerial plan of Reform had been received by the people; and then let him ask him-

se. whether he was prepared to bear the responsibility of the consequences which would follow its rejection. But the right hon. Baronet would doubtless say, "that is no affair of mine: the excitement is your own." [*Cheers.*] He supposed, from that cheer, that the answer was considered satisfactory by the hon. Gentlemen opposite. The next generation would judge them. When the dearest interests of the empire were at stake, the world would hold them responsible, not only for the evil which they had done, but for the good which they had omitted to do. History would not hold such men guiltless if they did not take enlarged views of the state of society; if they did not rise to great occasions; and if, when the public good required them to speak out, for fear of compromising themselves, they held their tongues, or spoke in such a way as not to be understood. If any persons were to be held responsible for the public excitement, the late Ministers had more to answer for than the present. But the great question was, not "what person is to blame," but "what is now to be done?" That was the question before the House and the country; and that was the question which he thought he had a right to ask the right hon. Baronet opposite. The right hon. Baronet possessed pre-eminent talent for debate; but the country had a right to expect from him something of a higher character. The country had a right to call on him for his opinion of the principles upon which Reform ought to be founded, and of the extent to which concession should be made to the public wish at such a crisis as the present. He asked the right hon. Baronet whether he should wish it to go down to posterity that he, in the most eventful period of British history, when the dearest interests of the empire were at stake—that he, being one of the most distinguished members of the House of Commons, brought some sound, and many specious objections against everything proposed by others—hinted in general terms that something might be done, but never could be induced to explain what that something was? Did the right hon. Baronet

suppose that he could ever again conduct the affairs of the Government on Anti-reform principles? It would be madness for any Government, pledged to no Reform, to attempt to go on with the present House of Commons. They must dissolve the Parliament, and appeal to the people in a moment of fearful excitement; and they would then find that they had committed the same error which Charles committed when he dissolved the Short Parliament, and exchanged it for the Long Parliament. But supposing that such a Government gained more by the elections than could possibly be expected, and supposing that they should obtain a majority in the House of Commons, still, he asked, what would be the case out of doors? The agitation which prevailed in the year 1817 and in 1819, at the time of Queen Caroline's return to England, and during the latter period of the Duke of Wellington's administration, would seem peace and tranquillity in comparison with the disorder and excitement which would immediately spread throughout the country. Tumults, seditions, agitators without end, would arise. Agitators they had at present; but were they disposed to try what would be their power under a Government hostile to Reform? It was impossible to keep them down by a strong hand, and, if they would not have liberty, they must have licentiousness. Measures of coercion and security would be of no avail. Charles tried them against Hampden, and failed: James employed them against the Bishops, and failed. It was the same with Mr. Pitt, when he prosecuted Hardy and Horne Tooke; and the same with Lord Castlereagh, when he passed the Six Acts in 1819; and the same would be found by any Government which attempted to smother the complaints of the people of England without redressing their grievances. There was only this simple alternative—Reform, or anarchy. About the result he had no fear, for he placed the fullest reliance in his Majesty's Ministers. If he required any other pledges from them than those which he found in their character, he found them in their position. To abandon their



country would be to abandon themselves. They had done that which changed the character of our institutions. They had taken no slight step—no step that could be easily retraced, on the 1st of March, 1831. Before them was glory—behind them was disgrace. For himself, he believed that their virtues, abilities, and firmness would be found equal to the momentous occasion, and that their names would to the latest period be inseparably associated with the noblest measure that ever restored to health a corrupt Government, and bound together the hearts of a divided people.

## ON THE RESIGNATION OF MINISTERS.\*

MAY 10, 1832.

IN the course of the last eighteen months, they had often been on the verge of anarchy ; but, until this crisis, he had never known what it was to be once anxious on the subject of political affairs. If ever there was a time which called for the firmness, honesty, wisdom, or energy, of a political assembly—if ever there was a question in which the interest of the community was involved, that time was the present—that question was the question of his noble friend. Amidst all his anxiety, however, there was ample cause for joy. He remembered with delight the noble conduct which that House had pursued from the day they first met in that place up to the present moment ; and he anticipated with confidence that the majority would adhere to that noble line of conduct which was indispensable to their own honour, and the safety of the commonweal. It was pleasing to reflect that they had still leaders to whom they could look up with confidence and pride, that those leaders were deserving of the support which they had given them, and who had fallen, indeed, but it was with unblemished honour. Amidst the dark events by which they were surrounded, there was this consolation—their sincerity as Statesmen had been put to the test, and it was not found wanting. By the voice of the people they were brought into power—by that voice they were supported in power—and they retired from power rather than betray the people who trusted them. They would thus carry with them to their retirement—and very brief he trusted it would be—the proud

\* Hansard, 3d Series, vol. xii. p. 849-857.

satisfaction that their conduct was fully appreciated by the people. He did not feel bound, on the present occasion, to enter into any discussion on the subject of Reform, but he should address himself at once to the particular Motion before the House. He was sure that the right hon. Baronet opposite must, on a little reflection, see that he was wrong in asserting that that House had no right to interfere with the prerogative of the King in the choice of his Ministers. It appeared to him that there was nothing more in accordance with the principles of the Constitution—nothing for which there could not be found more numerous examples in the best times of our history—than the course which was now proposed to be adopted by the House, namely, the respectfully offering its suggestions to the Sovereign as to the choice of his Ministers. The appointment of his Ministers undoubtedly belonged to the Sovereign, but it was a clear constitutional doctrine, to which he did not know a single exception, that, with respect to every prerogative of the King, that House had the right respectfully to offer its advice and its suggestions to the Sovereign. That was a position, he was sure, which a person of the constitutional knowledge of the right hon. Baronet would not feel disposed to dispute, and he was equally sure that it would not be denied that, under certain circumstances, that House had a right to offer its advice to the Sovereign as to the persons whom it judged fit to fill the offices of his Ministers, as it had often suggested to the King the names of persons fit to fill offices in the Church, or fit, on account of their services in the army or navy, to fill any public offices under the Crown. He, therefore, laid down this as a position that would not be controverted, that the House had a right, with respect to the prerogative of the Sovereign in the choice of his Ministers, as with regard to all the other prerogatives of the Crown, to offer its respectful advice. He undoubtedly did understand the present Resolution as a recommendation to his Majesty to retain his present Ministers. He could not see how it could be otherwise under-



stood, for he could not discover any other materials from which such a Ministry as that which they recommended to his Majesty could be formed. "But," said the hon. member for Thetford, "the Ministers had voluntarily retired from office, and the House, in adopting such a Resolution as this, would be advising his Majesty to force office on men who would not undertake it." Surely such a sophism was unworthy of the acute mind of that hon. Member. When we advise the King to take back his Ministers, we also advise him to take back their advice with them. That was what he (Mr. Macaulay) meant by the vote which he would give on this Motion, and he was sure it was on such an understanding that it would be supported by a majority of that House. Now, as to the objection raised to the creation of Peers, it amounted, if he understood it right, to this—that a creation of Peers, for the purpose of carrying a measure, even of the most vital importance, went to destroy the authority and weight of the House of Lords, and was, therefore, indefensible upon any principle of the Constitution. He conceived that the prerogative vested in the Crown, of creating Peers, for the purpose of carrying any public question, was a valuable and useful power, the existence of which was absolutely necessary, in order, on important occasions, to obviate great and pressing inconveniences. He believed it would be found that the exercise of such a power was in accordance with the principles of the Constitution, as laid down by the greatest constitutional writers on all sides and of all parties. A reference to Swift, on the one side, to Walpole and Steele on the other, and to De Lolme as a middle and impartial authority, would satisfactorily bear out that assertion, and would prove that the Constitution did not recognize any branch of the Legislature existing as the House of Lords would exist if this prerogative were not vested in the Crown, with uncontrolled and irresponsible power. They knew that kings had fallen upon erroneous courses, and what had happened in the case of an hereditary monarchy might happen in the case of an hereditary

nobility. We had had a James II., and it was not beyond the range of possibility that we might have a House of Lords full of high spirit, imbued with prejudices that could not be overcome; and, unfortunately, opposed to the wishes and feelings of the people, and was there to be no means of remedying such a state of things? The Constitution afforded the means of dealing with a factious and perverse opposition on the part of the House of Commons, for the King could dissolve the Parliament, and appeal to the people, at a time when he might think that appeal would stand the best chance of success. Again, that House had a check upon the King, for it could refuse the supplies; and was there to be no check at all upon the House of Lords? Was there anything in the Constitution of that illustrious assembly—the House of Lords—which exempted it from the necessity of some similar controlling check? If that power, which was subject to abuse from Kings and Commons, could never be abused by Dukes or Earls, the best course was, to leave the whole Government in the hands of so pure, wise, and virtuous an assembly, to abolish the Monarchy, and to dissolve themselves. But, if this were not the case, was it not monstrous to imagine that the House of Lords should be exempt from some check like that to which both King and Commons are subject? Were there no check, the only appeal of the people could be to physical force; but, fortunately, the Constitution affords the means required, by conferring on the King the prerogative of making Peers. He admitted that there was some danger that the power might be abused; but of two dangers, he thought it proper to choose the least; and when they remembered that the Ministers who advised the creation of Peers would be responsible for that advice, he thought it a power not much likely to be abused. Unless some one could bring in a Peerage Bill much less liable to objection than the Peerage Bill of Lord Sunderland, he thought the King's prerogative a useful one, and one which, at this period, he was called upon to exert. As to impeachment, which had been

spoken of, who would venture to impeach the Ministers for a step absolutely essential to the welfare of the kingdom? This exercise of the Royal prerogative might be necessary, too, for the preservation of the very existence of the other estates of the realm, and justified on grounds of the purest public policy. Let them suppose a case in which the two Houses were placed in direct and immediate collision by an uniform and continued difference of opinion on every question. Suppose the House of Lords was to be for war, and the House of Commons for peace—suppose the House of Commons to be for one Ministry, and the House of Lords for another—suppose, too, the struggles consequent on these differences of opinion to be continued—suppose that they lasted throughout an entire Session of Parliament—suppose that they were found so inveterate as to be incurable even by a dissolution of the House of Commons—why, what, he would ask, must be the consequence of such a state of things? That the whole machinery of Government must be stopped unless his Majesty exercised his prerogative by giving one of the parties a predominance. The Government must in such a case stand still, or new Peers must be created. But, then, it is urged against this creation, the monstrous anomaly of which you would be guilty by concurring in the creation of Peers merely to give one party an ascendancy over the other on a particular question. He would ask them to look a little more narrowly into that question. He thought he should be able to show that it was a course just, reasonable, and perfectly defensible on all principles of law and of equity. If the objections were so strong to the creation of a large number of Peers in one day, were there none to the creation of more than two hundred in less than half of a century? Suppose that one party holding power for nearly fifty years ennobled, from time to time, nearly two hundred of its own supporters, while all others were passed by; suppose all the Peers for that period to be chosen from one faction, while all rank was denied to the other; was there anything so monstrously



unconstitutional in that other party setting themselves right in the political balance, and resuming that station in the House of Lords to which they were entitled when they obtained the ascendancy ? If it was unconstitutional for the Whigs, when they obtained power, to resume that balance of influence in the House of Lords, of which the long tenure of office by their adversaries had deprived them, then the inevitable result must be, that the possession of political ascendancy for thirty or forty years would be a possession for ever. It was no longer a question of public opinion or political rectitude, but it must be a question of whether one party or the other had been longest in office ; of whether Mr. Pitt or Mr. Fox held the Premiership in 1800 ; or Lord Grey or Lord Liverpool presided over the Cabinet in 1820. The upholding of such doctrines was not to be tolerated even for an instant. It would make the present generation the mere slaves of the past, and be utterly inconsistent with the first principles of politics. But the matter might be placed on still stronger grounds than that. Suppose this party, holding power so long, to have adhered to principles tending one way, while public opinion was constantly and rapidly verging towards the other ; suppose the party which possessed a majority in the House of Lords to be devoted to a course of policy directly contrary to the feelings and wishes of the nation ; suppose, in fact, the House of Lords and the nation to have been during the whole of that period moving in diverging directions ; supposing, as the result, an overwhelming majority in favour of the one course in the House of Commons, and an equally overwhelming majority in favour of a different course in the House of Lords ; he did not mean to say that this state of things was decidedly injurious to the Crown or to the country, or that it might not arise out of the working of the Constitution ; but, then, he would ask them in such a case to look at the situation of the Lords. The House of Lords was not strictly a representative body, nor did he contend that it should be so ; but it must, nevertheless, be mixed up a little with

the other classes of the country, and have some connection and affinity with the general interests of that people from whom they derived their wealth and importance. Under such circumstances as he had attempted to describe, to add to the number of the House of Lords out of the great mass of the intelligence and respectability of the country would not impair, but, on the contrary, extend their influence—would not swamp, but, on the contrary, support their power and independence. This was his view of the condition in which they were placed, and he saw no other course left for them to adopt than by a large addition to the numbers of the House of Lords from the supporters of that party so long excluded from power, to place the Aristocracy in harmony with the other institutions of the State. It appeared to him that everything was in favour of this creation—the letter of the law and the strongest reasons of public policy. The power of the King to exercise his prerogative for the purpose was undoubted; and the letter of the law was in harmony with the letter of the highest law of all—the safety of the State. He, therefore, for once concurred most cordially in the Motion of the noble Lord, and concurred with him also in the expressions of regret for the retirement of those who had supported the Reform Bill, and in his desire that none should be looked for as their successors who were not prepared to give that Bill their unqualified concurrence. If that Government, which had supported the Reform Bill with so much zeal and so much sincerity, did not return to office, then he would say the Bill was lost to the country. Lost, he would say, because he could not conjecture how those who would then have the management of it, could, even in a mutilated form (for mutilated it would be), consent that it should be carried. That the hon. Members who sat on the benches opposite should attempt to carry such a Bill seemed to him utterly impossible; and, although one or two expressions which fell from them might bear the interpretation of such an intention, he could not believe they were spoken in earnest. He would not go back

to the history of East Retford in 1829 and 1830. He would take a much later period. He would speak of those who abandoned office not eighteen months ago—who resigned their places because they were hostile to all Reform whatever. He would speak of those who, from the 1st of March, when the first Bill was introduced, down to the final dismissal of the second Bill to the House of Lords, attacked all its provisions with the most inveterate hostility; who stigmatized all disfranchisement as robbery, and all enfranchisement as usurpation; and who bellowed Universal Suffrage as a means of terror into the ears of the rich, and declaimed about 10*l*. Aristocracy to the poor. It was of these hon. Members and their party he spoke; and he could not think it possible that they would so descend as to give their support and countenance to the Reform Bill. He believed they had too much honesty; he believed they had too strong a sense of shame. The inconsistency of the act would be too glaring—the time was too short—the memory of their former professions was too recent—the motive would be too obvious. He could not trust himself to believe that the party of which he spoke could entertain an idea of supporting the Reform Bill. The party, then, that—if they accepted office—could carry the Reform Bill, would not carry it; and there remained only that other party which might be disposed to attempt it, but who were much too powerless and insignificant to form an Administration. He did not mean to designate those attached to that party offensively, but the House probably understood that he alluded to those who were commonly known by the name of the “waverers.” From that party, he apprehended, it was utterly impossible to select a number of men who could conduct the public business of the House of Commons. The case, then, stood thus: those who might support the Bill could not form a Government; and those who could form a Government could not support the Bill with any regard to their public character, or with any respect to political consistency, unless with the introduction of most exten-



sive amendments. The Bill he regarded, therefore, as lost ; and, on the whole, he thought it better it should be lost than suffer mutilation in the hands of its enemies, and be drained of that which they called its venom, but which he considered its life-blood. The Members of his side of the House had been accused of making prophecies which they accomplished themselves, and no one had been more subjected to these accusations than he had. They had been accused of prophesying the agitation which they endeavoured to excite. The fault of that argument was, that it might be used at all times, with the same success, whenever a deliberative assembly was warned of the dangers which awaited its decisions. It was the duty, however, of those who believed such dangers existed to speak out, and to speak boldly. If they spoke for the purpose of exciting discontent, they were guilty of a great crime ; but his conscience acquitted him of any such intention. He knew that he was as anxious as any man for the preservation of order and the security of property. He knew that he was prepared to contend as strongly against the errors of the people as to argue for their rights ; and he would, at all times, rather be the victim of their injustice than its instrument. The time, however, might come when those who derided the warning would be sensible of its value—when those who laughed at the danger might witness the evils they could no longer avert—when those who despised all advice might feel themselves bereft of all relief. The time might come when the candid but unpretending counsel of a Cordelia would be found preferable to the bold but crafty recommendations of a Goneril. Let the Legislature depend on those who boldly declared their opinions as to the danger of rejecting Reform, rather than upon the smooth-tongued Conservatives ; the former, he contended, were the only true Conservatives. He would not cry “ peace, peace,” when “ there was no peace.” As to those who might attempt to play the part of a Polignac Ministry in England, and endeavour to carry on the affairs of the State without public confidence, nay, in direc-

opposition to the sentiments of the people, he told those individuals that they had to do with a people more firm and determined than the French, and he warned them to take care how they ventured on the attempt. Why, the ink was scarcely yet dry of the protests which noble Lords had entered against the Reform Bill. Their speeches were yet ringing in the people's ears, in which they denounced the measure, and would they attempt to take office? In attempting to administer the Government they were so eager to grasp, they must either shamelessly desert the whole of their former protestations, or go in direct opposition to the wishes of the majority of that House. And, even if they could succeed in overcoming the majority of that House, they would still have dangers before them from which Mr. Pitt would have shrunk, and even an Earl of Strafford have hesitated to encounter. They would go forth to the contest with public opinion without arms either offensive or defensive. If they had recourse to force they would find it vain—if they attempted gagging Bills they would be derided; in short, they would, in taking office, present a most miserable exhibition of impotent ambition, and appear as if they wished to show to the world a melancholy example of little men bringing a great empire to destruction. In this perilous hour he would call on the House of Commons to remember the high mission with which they stood charged—to remember the important privileges with which they were invested. Now, at the hour when a paltry faction, elated by a momentary triumph, were, on the one hand, preparing to destroy all the hopes of the people, and the enemies of social order, on the other hand, were rejoicing in the prospect of anarchy and confusion—now, at this eventful hour, he implored them to rise in the grandeur of their hearts, and save a Sovereign misled by evil counsel—save a nobility insensible to their own welfare or true interests—save the country, of which they were the guardians, from a disastrous convulsion, and save, he would say, the hive of industry, the mart of the whole world, the centre

of civilization—from confusion and anarchy. Their vote of that night would, he trusted, revive industry, and restore confidence. It would place out of all possibility of danger the public peace; it would stay political dissensions, and, by averting the calamities with which they were threatened, preserve the authority of the law, and uphold the Majesty of the Crown.



## ON SLAVERY IN THE COLONIES.\*

MAY 24, 1832.

**AFTER** the very extensive view of this subject which has been taken by my hon. friend, I shall not attempt to take a general survey of the subjects of Negro Slavery, but merely confine myself to the question of the decrease of the negro population, the only point of all my hon. friend's argument that the member for Dumfries has ventured to dispute. The hon. Member has not contented himself with charging my hon. friend with a mis-statement, but has actually gone the length of accusing him of having knowingly and wilfully brought forward a system which he was, in his own mind, convinced was incorrect. I beg, however, to say, that I am, in my own mind, most entirely convinced, that the argument of my hon. friend is impregnable. I first say, that this decrease, which the hon. Gentleman attributes to the inequality of the sexes, is to be found in many islands where the females exceeded the males in number in the year 1817. I next say, that in St. Christopher's, which is the island selected by the hon. Member himself, the women, in 1817, exceeded the men in numbers. To be sure, the hon. Gentleman has talked about the sexes approximating in 1825 and 1826; but if this means anything it means that the women diminished in number, for it cannot be otherwise explained. It is true that, in Barbadoes, the black population has increased, which circumstance the hon. Gentleman may attribute to what he calls the approximation of the sexes, if he pleases, but which I attribute to the cultivation of sugar being little practised in that island. But, Sir, there are some colonies in

\* Hansard, 3d Series, vol. xiii. p. 52-53.

## SLAVERY IN THE COLONIES.

which the number of the men exceeds that of the women, such for instance, are Berbice, Demerara, and Trinidad; and there we find, not only that there is a total decrease, but even a decrease in the number of the females. I say, that this fact reduces the whole matter to irresistible demonstration; for if he be correct, and if the men exceed the women, the worst that could happen would be, that the islands would be in as bad a situation as if the men were reduced to the number of the women, and the two sexes made equal. But if we look to those colonies, we shall find that there is a decrease in the women as well as in the men; and, therefore, again I say, that it is clear to demonstration, that the decrease in the slave-population cannot arise from this ill-assortment of the sexes, as argued by the hon. Gentleman. But the hon. Gentleman seems to think that he has done enough when he has made out, as he supposes, that no decrease has taken place; but I contend that, not only should there be no decrease, but that there should be a most rapid and striking increase. The negro population in the West Indies are placed in a situation admirably suited to their nature and disposition; the produce of the land is all-prolific—the bright and vivid sky is favourable to their African constitutions—they have a great extent of rich virgin soil ready to pour forth its gifts, with but little labour, into their hands. This, therefore, ought, to them, to be the golden age of existence; it ought to be their age of easy life, smiling children, and happy wives; it ought to be their age of high wages, full meals, light work, early marriages, and numerous families. But is it so? Alas, Sir, no; a blight is on them, and they drag on a weary, burthensome existence, darkened by despair, and uncheered by a single ray of hope. Let us look at the result of the same advantages in other countries. How is it in New South Wales? There the population is made up of convicts and prostitutes; and yet, in spite of that deterioration—in spite of the inequality of the sexes—we see that colony daily increasing, with every probability of these

convicts becoming the patriarchs of a mighty empire. We all know the origin of the United States; we all know that they were originally peopled by the refuse of European society. And how is it with them? The population there has gone on swelling and swelling, like an irresistible torrent; the people have multiplied, till at length, in whole tribes, they have poured themselves across the mountains of Alleghany, the streams of Ohio, and the plains of the Arkansas. Year after year the woods and the forests, the fortresses of nature, have been receding before the advancing tide of human beings: and, year after year, mankind has shown, by its multiplication, that, under favourable circumstances, its tendency is to fulfil the immutable law of nature. Why, then, does not the same rule apply to those colonies? Why is all America teeming with life, and why are the West Indies becoming desolate? Sir, that our colonies should decrease in so rapid a manner is to me one of the most appalling facts in the history of the world. In the worst governed state of Europe—in the worst managed condition of society—the people still increase. Look, for instance, at the miserable population of Ireland—at the oppressed serfs of Russia—look even at the slave-population of America, or that of our own colonies where sugar is not cultivated. In the Bermudas and the Bahamas, where no sugar is manufactured, the population goes on increasing; but when we come to the sugar islands, the ordinary law of nature is inverted, and, in proportion to the exuberance of the soil, is the curse of suffering and of death. In these islands, which are subject to one eternal reign of terror, human life flickers and goes out like a candle in a mephitic atmosphere. What the Spaniards did on the continent for gold, we are doing in the islands for sugar. Let me remind the House of what Mr. Fox said on this subject. No one will deny that, perhaps, of all our statesmen, Mr. Fox was the most ardent for political liberty, and yet his observation on this question was, that all political liberty was but as a mere nothing com-



pared with personal liberty. I shall give my best support to the Motion of my hon. friend. I shall do so, because I feel that this continued waste of life, without example and without parallel, is a foul blot to this country, and because I hope that the adoption of this Resolution may remove it.

## ON THE RUSSIAN-DUTCH LOAN.\*

JULY 12, 1832.

HE could have wished that the conduct to be pursued by the gallant Officer who had last addressed the House, were to be the direct reverse to that he had announced himself it would be, and that, on the vote of censure upon the Government, he should vote against them; and in that respecting the violation of national faith, he should be with them. It was of little importance by whom the affairs of the country were administered, but it was of

\* Hansard, 3d Series, vol. xiv. p. 293-300.

NOTE. Lord Althorp, in moving for a Committee of the House, thus stated this question:—The House was aware, that in 1815 a treaty had been entered into between the king of the Netherlands, England, and Russia, and that, previously, a treaty had been concluded between Great Britain and the king of the Netherlands to take upon themselves the payment of a certain portion of a loan due from the emperor of Russia. It was not now necessary to enter into that question—to inquire whether this arrangement was right or wrong; it was sufficient to consider if the treaty was binding in equity and honour upon this country. The agreement concluded was, that the Netherlands and Great Britain should undertake to pay the interest of a loan due from the emperor of Russia, at five per cent., together with a Sinking Fund of one per cent., until the whole loan was extinguished. In case of the separation between Belgium and Holland, it was provided that the obligation of the king of the Netherlands and Great Britain ceased. This was the letter of the treaty. The separation had taken place. The question was, if it were such as was contemplated by the treaty, and if this country was absolved, in justice and honour, from paying its portion of the debt. He thought not. The separation was not such a separation as was contemplated by the Treaty, which was exclusively one effected by foreign force.

the deepest moment that the national honour should be preserved inviolate. Considering, that upon this subject hung the national faith and honour of England, he confessed it did in the highest degree astonish him, that hon. Members should think of introducing topics which had not the slightest relation to such a subject. If we were bound by the solemn obligations of a mutual compact, of what importance to us was the general conduct of the Monarch with whom that compact might have been contracted? Were we at full liberty to enter into as many treaties as we please with all the Monarchs of the world, and yet keep faith only with those who proved to be merciful, liberal, and constitutional rulers? We entered into treaties with the Burmese and Siamese governments, and were we to require of them that they should conform their respective principles of government to that which we conceived might be suitable and becoming as between them and their subjects? The only argument on that side of the House was the necessity of keeping faith; and how had the hon. and gallant Member met that argument? Why, the hon. and gallant Member talked as if we paid tribute to Russia, at the moment it was attacking Poland. On what ground else did he speak of economy? To exercise economy in a case of this description, the payment must be optional, for he had not yet heard anybody rise in the House and say, that economy was to be preserved at the expense of national honour. If the common-sense interpretation of the treaty called upon this country for its execution, the hon. and gallant Member might as well call upon them to economize by a reduction of the Three per Cents, or a non-payment of Exchequer Bills. The question which they were then engaged in debating, naturally divided itself into two parts. The first was, whether or not the country was bound, by the most obvious principles of public faith, to continue these payments; secondly, did Government act illegally in continuing them without obtaining a new Act of Parliament for the purpose? All the hon. Members who spoke upon the other side, pro



fessed to pursue the object of keeping these questions perfectly distinct ; and yet it strangely enough happened, that there was not one amongst them who did not mix both these topics ; and that confusion of those questions was strikingly conspicuous where Vattel was referred to. Referring to the Treaty of 1815, he must admit, that if they examined the letter of that treaty, they would find, that the proviso had arisen, and that we were absolved from the payment of the debt. Yes, according to the letter of the treaty we were absolved. According to the letter we might be absolved ; but were they now to be told for the first time, that the foreign policy of this great and renowned country was to be governed by such pettifogging rules of construction as were enunciated from the other side ? Principles such as those were never meant, in any age or country, to be applied to the construction of compacts affecting the peace or the fate of nations. Reference, for the purposes of present argument, had been made to the opinions of jurists ; but he knew enough of jurists to know, that they were the most convenient authorities that could in any case be referred to for the purposes of such a debate as the present. In the early ages of the Church the Fathers were frequently quoted, and many of them so frequently to serve opposite ends, that it became a proverb, that you might apply to the Fathers and obtain their authority in support of either side of almost any question. If they adopted the rule of literal construction, there must be an end of all that had heretofore been considered the faith of treaties. Hon. Members on the other side had spoken much and emphatically of the authorities which they had quoted in support of their respective opinions ; but he would call their attention to one authority which few amongst them would be disposed to dispute—he meant the authority of the Duke of Wellington. One of the great conventions to which he was a party bore date in the same year with that which they were then discussing. It related to the entrance of the Allied Armies into Paris in the year 1815. By that Con-

vention it was strictly stipulated, that all public property, other than military stores, should be respected; and it was further agreed, that if any doubt should arise respecting the construction of any part of that Convention, it should be construed favourably to the city of Paris, yet all the pictures of the Louvre were removed. The people of France held up the letter of the treaty, and insisted that the works of art, of which Napoleon had despoiled the nations of Europe, should still remain within the French capital; but they were restored to their original possessors, and the British nation and all Europe approved the act, for it was understood at the time of signing the Convention, that the pictures at the Louvre were to be restored. There was an understanding that an exception had been made in respect of them particularly. He was aware it might be alleged that the rules of construction required, that when any exception whatever was specified, none other could be introduced or added; but let the House only look to the circumstances of 1815—look to that very Convention in which the Duke of Wellington himself was concerned. The treaties entered into at the period when what was called the Settlement of Europe had been effected, were directed to objects which could not, from their very nature, be long maintained; but was the pecuniary part of those treaties to be therefore set at nought by a people calling themselves free, liberal, and enlightened? The treaties of that period could certainly accomplish no object of a permanent kind, for these Governments thought but of other Governments, and nothing of the nations. In all their partitions they looked to making up compact states—they looked to nothing beyond the convenient frontiers which an acquaintance with the state supplied—they attended not to the national characters, habits, feelings, religion, morals of the several nations whose fates they presumed to decide; and what better proof could be supplied of that than that very plausible but hollow union of Holland and Belgium? But though, in those various points of policy, England had failed, that failure, so far

from furnishing an argument in support of breach of pecuniary faith, had quite an opposite tendency. He said nothing of the policy of that union, but it was a great and primary object of the then Ministry of this country to form it, and it would be an eternal disgrace to the present Ministers, who differed as to that measure, if they refused to fulfil the stipulations of their predecessors. It was well known, that Russia was averse from the union between Holland and Belgium; and as a means of reconciling the Court of St. Petersburg, the payment of the Russian debt due in Holland was guaranteed by England [*cries of "no"*]. He certainly understood, and believed he could show from good authority, that Russia was opposed to that union—it was stated at the time—he could show it had been recorded—it had been stated in that House, that, in 1815, Russia was averse from the union; the Treaty was concluded under that view, and with the express object and intention of inducing Russia to accede to it; and, in order to prevent Russia having an interest in disturbing that union, the payments were made to depend upon its continuance. The period fixed for the determination of those payments was the dissolution of the union, not because there was any natural connexion between the two, but because it was from Russia that danger was chiefly apprehended. If looked at in that view, the treaty was intelligible: in any other it had no meaning. The hon. member for Thetford said, that these payments were due, not to Russia but to Holland, and that England could only contemplate paying them as long as Holland had the ability to pay her share to Russia. But, if that were the contingency of our payments, it might have been as well made to depend on the fall of the next meteoric stone, or the drying up of the Mediterranean. If the principle were that Russia should not receive the money in consequence of a separation which she could not prevent, or that England should be exonerated from the payment in consequence of a separation which she had promoted, the treaty in which such a principle was embodied would be the **most**



extraordinary that ever was made. If he understood the spirit of those treaties rightly, it was, that if there were the slightest reason to believe that Russia, by direct or indirect means, had produced a separation between Holland and Belgium—if she had been inclined to lag behind, and to make no exertion to prevent it—if she had favoured that separation—if she had thrown any obstruction in the way of any efforts we might have been inclined to make for the purpose of preventing that separation—then the circumstances contemplated by the proviso had arisen, and we were relieved from the payment of the money. But was that the present state of affairs? Was it not notorious, that since 1815 the two countries had, so to speak, interchanged their parts with reference to this question. In 1815 we were for the union and Russia was against it; in 1831 Russia was decidedly opposed to the separation. He would not say that England either caused, or was desirous of, that separation. He did not mean to say, that England desired that the people of Belgium should be discontented with the government of Holland, nor that the Belgians should have risen against the king of Holland. He did say, however, that while the king of Holland continued to be, virtually, the king of that country, hostilities took place; the resistance of the Belgians was successful; and Belgium was separated, to be again united, in all probability, by the European powers only. England was desirous that the separation should be recognized, and it became necessary that the new independent state of Belgium should be invited to enter into the great European family. In the mean time, the circumstances of Russia had changed in a directly opposite direction. In the first place, as every Gentleman knew, a matrimonial alliance had, since 1815, very closely united the Courts of Petersburg and the House of Orange; but, above all, they could not help feeling, that the circumstances under which the Belgian revolution took place, were such as could not be contemplated with pleasure by a government, distinguished by its jealousy of all popular institutions arising out

of the people. The forcible expulsion of the troops of the government and the Sovereign, and a democratic council being called to the government of the country, the question between a republic and a hereditary monarchy put to the vote, and a Sovereign invited and elected by the people themselves, on certain constitutional terms—these were the characteristics of the Belgian revolution; and these were things which it could not be supposed the Russian government would contemplate with pleasure. It appeared to him, therefore, that the two countries had entirely changed their former parts; that this recognition was now effected by the great Powers of Europe, and that the independence of the state of Belgium had not been effected in that way which would absolve us from our obligations. It had been effected, not by the interference of Russia, but in conformity with the wishes of England, and in spite of a strong reluctance on the part of Russia. He could not but think, then, that we were still bound to fulfil our obligations. There was a case he would mention to the House, which appeared nearly parallel to the present. He remembered to have read, long ago, in one of the old jurists—he could not recollect where, but it was not necessary to mention the authority, for its great similarity to the present case would carry its own argument along with it—the writer, according to a common practice, as many hon. Gentlemen knew, with the jurists, put a supposed case. There were two States before the invention of fire-arms. Certain circumstances induced one State to agree to pay the other an annual subsidy of 1000 ducats; the other state stipulating in return, that whenever the state paying this money was invaded, they would send to their assistance 1,000 pikemen; and the treaty contained a stipulation that, if this number and the force were not sent within three days after such an invasion, then the payment of the annual subsidy should cease and be discontinued. Fire-arms were subsequently invented, and came into general use; an invasion took place, the party invaded sent to the other state, not for pikemen, but for mus-

queteers—"For the love of heaven send us some musqueteers pikemen are of no use now " A battalion of musqueteers immediately marched to the assistance of the distressed state, and the invasion was repelled. Afterwards, when the subsidy was demanded, the answer was,—“Look to the terms of the treaty ; it declares that you shall send 1,000 pikemen, and that, if you do not send such a force, in number and arms, as herein stipulated, payment of our annual subsidy shall thereupon cease.” Why, what would be the language of the Power cheated in this way ?—Would it not say, “You are taking advantage of your own wrong ; circumstances have changed ; military tactics have altered ; we have conformed to that alteration ; by doing so we have saved you, and this is the return you give us for what we have done ?” These cases were analogous. In 1815 we were desirous of the union ; in 1832 we were desirous to promote a separation ; and with what face could the British Ministers stand up and say to the Russians, “You did not frustrate my wishes with respect to Belgium, you did not plunge all Europe into war to support your own views, and I will now take advantage of the separation which I promoted, and which you might have prevented, but did not, in order to evade payments which literally, though not according to the spirit of the treaty, were made to depend upon the continuance of the union.” He had no difficulty, then, upon grounds such as these, broadly and roundly to assert, that his Majesty’s Government had deserved well of the country, and, therefore, he paid but little attention to the taunts, coming from the other side, about the difficulty that Members might have in facing their constituents, after voting in favour of a continuance of those payments. For his part, he should have no difficulty in defending such a vote before any constituent body in the empire ; for the people of England had long shown that they knew and felt there was a fixed identity in the state—that public and private morals were the same—that honesty was the best policy—and they believed that to pay what they owed



was the truest economy—that the state could not be guilty of a breach of faith in one instance without bringing suspicion on all its engagements, and thus reducing itself to a situation at once disgraceful and perilous, putting to hazard that peace throughout Europe now happily so long preserved—a peace, in the continuance of which every artisan, every ploughman, every shopkeeper, in the land knew that he was deeply interested; and he need not say, that to preserve peace, public faith must be maintained inviolably. Upon these principles, Members of Parliament might go before the people of England—upon these principles, Members of Parliament might be willing to act, and content to suffer.

## ON THE AFFAIRS OF THE COUNTRY.\*

FEBRUARY 6, 1833.

*On the Address in Answer to the King's Speech—The Irish Question.*

LAST night he had formed the intention of not taking part in the present debate ; but circumstances which had this evening arisen determined him to adopt an opposite course, and to say a few words in reply to the attack which had been made upon him by his hon. friend, the member for Lincoln [Sir E. L. Bulwer] ; at the same time that he felt that he should quite as well discharge the duty which he owed to himself, and much better consult what was due to the House, by postponing the defence of his own personal consistency until after he had more directly addressed himself to the question which mainly occupied the attention of the House. His hon. friend, so ingenious in the construction of an argument, and so successful in making a point, was sometimes not always aware of the effect of the words which he used. His hon. friend told the House that the Government proposed coercion, while the hon. and learned member for Dublin [O'Connell] recommended redress. When called upon to choose between both, the hon. member for Lincoln declared that he could not hesitate ; but he was sure that, upon reflection, his hon. friend would see that he and the hon. and learned member for Dublin did not attach the same meaning to the words which the one was the first to use, and that the other had but too readily adopted. The hon. and learned member for Dublin meant Repeal of the Union—to that

\* Hansard, 3d Series, vol. xv. p. 250-264.

his hon. friend was averse. When they were told that the question of the Union of Ireland was not to be sneered down till after the most complete investigation, till after the fullest inquiry, and after the gravest debate, he could not help putting the question, whose fault was it that they had no full and formal debate upon the subject? Why was it that the question had not been fully agitated? Had not his Majesty's Government given the challenge, and was it not fully in the recollection of the House, that the hon. and learned member for Dublin had addressed them for two or three hours—he forgot how long, for no one could consider the time long while that Gentleman continued speaking; but had he not spoken for two or three hours, without opening the question of the Union in a manner that could be grappled with, or indeed fairly encountered at all? This was the more remarkable, as that hon. and learned Member had last night placed fourteen notices on the book, and not one of them related to the subject of the Legislative Union between Great Britain and Ireland. The hon. and learned Member had permitted judgment to go against him by default. Hon. Members at that side of the House (the Ministerial) had called upon the hon. and learned Member to proceed, but he had declined the invitation—he shrunk back—he skulked away from the opportunity of giving effect in that House to the doctrines which he had promulgated elsewhere with so much vehemence, and accompanied with so much of personal invective and objurgation. If ever there was an occasion which naturally led to a discussion of the question of Repeal, it was the Amendment moved by the hon. and learned Member; but he had not only then neglected to take advantage of the opportunity offered to him, but instead of making any approach towards joining issue upon it, he had delivered one of the most evasive speeches that had ever been uttered within the walls of Parliament. From the beginning to the end he had most carefully and studiously avoided meeting the question of Repeal. He should be the last man in

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the world to deny that that speech was very able and eloquent, but though the most ample opportunity had been afforded the hon. and learned Member by the occasion which then presented itself, to press upon the attention of the House the question of Repeal; yet he had cautiously abstained from improving that opportunity, and had not accepted the challenge of those who stood strong in their defence of the Legislative Union, the Repeal of which was supposed by the hon. and learned member for Dublin to be the panacea for all the evils with which Ireland was afflicted. It was not for lack of argument that Ministers did not discuss the Question. They were strong in irresistible arguments, and feared not on any occasion to meet the advocates of Repeal. They were told, indeed, to wait till they had examined the petitions of the Irish people; but no Gentleman who took an interest in the affairs of the country had neglected already to make himself master of it in all its bearings. He was prepared to discuss the question of Repeal inch by inch, and to show, that so far from being likely to remedy the social and political grievances of Ireland, it would have the effect of aggravating every one of the causes of discontent at present in operation. If the advocates of Repeal wished to separate the Crowns of England and Ireland—if they desired to establish an Hibernian Republic, their arguments might be considered rational and consistent; but the hon. and learned Gentleman required a separation of the Legislatures of the two countries, and the identity of their Crowns. The hon. and learned Member required two independent Legislatures (for if the Legislatures were not independent, the separation was a mockery), and one Executive. Could it be then that a mind so acute and informed as his, could be unconscious that such conclusions were opposed to the first principles of the science of Government? When a Union of the Crowns was spoken of, he took it for granted that no such Union was meant as that which subsisted between Great Britain and Hanover, in which the Crown appertained to

the same Royal Personage, but in which the Ministers by whom the Executive authority was actually exercised were perfectly distinct: a Union of that sort, so far as he knew, had never been advocated; and he entertained not the slightest doubt, that could such a Union ever be called into existence, the first question asked would be, what was the use of continuing it—what purpose could it serve to either country? Let the House only contemplate for a moment what was the nature of the Union subsisting between this country and Hanover. Hanover was a member of the Germanic Diet, and might send its contingency to the aid of a war carried on against the Allies of England, or against England herself. Did they contemplate any Union of that sort for Ireland with this country? If they did, let them say so at once—let them declare candidly, did they, or did they not, desire two Legislatures and one Executive, connected as England and Hanover were, for he professed himself unable to understand, and he felt assured, from the nature of the proposition, that no man in his senses could imagine that he understood any other scheme by which the business of Government in both countries could be carried on with the Legislatures separated and the Crown united. But the hon. and learned Member said, that he thought it would be a great calamity if the two countries were to be separated, and were not to have the same King, meaning obviously, the same Executive Government. The hon. and learned Gentleman then meant simply by the Repeal of the Union, two independent Legislatures under one Executive. Was such a state of things possible? If the Executive Power were really quite distinct from the Legislative Power, they might easily have two Legislatures under one Executive just as they had two Chancellors, and two Courts of King's Bench. But be the theory of the Constitution what it might, no man acquainted with the working of that Constitution, could for a moment imagine a total separation of the Legislative from the Executive? It would be a political anomaly, or rather a political

impossibility. For himself he was disposed to rest the question upon this issue—Had or had not the Legislature a most powerful influence upon the Executive? Could the Crown pursue war, or conclude peace, without the consent, and sanction, and support of the Legislature? War, peace, and all the functions of the Executive, were, in some degree, dependent upon the Legislature, and the Legislature exerted a considerable share of power in every part of the duties assigned to the Executive. The King might choose his own Ministers; but he could not maintain them in office after Parliament had become hostile to them. The conduct of negotiations was intrusted to the Monarch, he appointed Ambassadors; but the King could not pursue any line of foreign policy in opposition to the views and feelings of the Parliament. The Repealers might, therefore, be refuted out of their own mouths. They said, that the Executive Power ought to be one: but the Legislature had a share of Executive Power. Therefore, by the confession of the Repealers themselves, the Legislature ought to be one. Now the futility of such an opinion could be at once exposed by a most simple, obvious, and familiar illustration. Suppose the one Legislature voted an Address in favour of peace, and the other declared for war, what would ensue? Did they suppose that there were to be at all foreign states with which we maintained diplomatic relations two Ambassadors—one for England and the other for Ireland? And yet it was impossible to avoid arriving at that conclusion if a distinction were established between the Legislative, and therefore, of necessity, between the Executive powers of the two countries. And what would be the next step? Negotiations might be carried on with foreign states, and the Legislature of this country express the highest approbation of the manner in which they might have been conducted—might declare its confidence in, and offer its thanks to the diplomatic agent employed; while the Legislature of the other State might resolve upon his impeachment. Not ten—not five years would elapse before occa-



sions must present themselves, out of which causes of irreconcilable dispute must arise. Not one year could the two countries exist under the same Imperial Executive. The supposition was monstrous and absurd, and all history showed that the plan would be utterly impracticable. It had been supposed that parallel cases should be referred to; but when those came to be examined, it would, in every instance, be seen, that a similarity of circumstances did not prevail; and that where they did, the case but strengthened the position for which he was contending. Take the case of Ireland herself during the short period in which she possessed an independent Parliament. It was only during eighteen years that there did exist in the British empire two independent and co-equal Legislatures; and though the circumstances under which they so existed rendered collision exceedingly difficult—for during the whole of that period, as was well known to all who heard him, the Irish Houses were managed by that Parliamentary corruption which no one could desire to see renewed, and the Irish people were overawed by a large military force—yet, for all that, so filled was the system with the seeds of disunion, that six years did not elapse from the declaration of independence till occasion for a difference of opinion arose. In the year 1788, George 3rd was incapacitated by illness from the exercise of the powers appertaining to the Kingly office, and according to the Constitution, the privilege devolved upon Parliament of making provision for the discharge of those high and important functions. What occurred? The Parliament of England offered the Regency to the Prince of Wales with extensive restrictions—the Parliament of Ireland offered him the same powers without any restrictions whatever. Surely if they possessed the right and the power to make such offer respecting the conditions upon which the Royal functions were to be exercised, they possessed as fully and could as freely exercise the privilege of selecting the individual to whom the appointment might be offered, and with quite as strong a claim of right consti-

tute the Duke of York Regent, as extend the powers of the office when vested in the Prince of Wales. They might have chosen their own Regent, and might have invested him with such powers as they thought proper; and had George 3rd continued for the remainder of his life incapable of the duties of Monarch, England and Ireland would have been for thirty-two years with a divided Executive, without departing one iota from the principles of the Constitution. This would have been the unavoidable consequence; yet it was loudly deprecated in the very same breath which sent forth a warm recommendation to call into life and activity the causes from which that consequence must necessarily flow. Were he to pursue the argument further, he could occupy the attention of the House with nothing more than reciting such a series of monstrous results, as certainly never before ensued, and which were probably never yet contemplated in reference to any public measure. Not only was all argument opposed to it *à priori*, but all history would show the scheme to be founded upon a gross and pernicious fallacy. They might have again a legislature in Dublin and in London as they had before 1782, but all that the former would have to do, would be to obey the decrees of the latter under a mock form of independence. He admitted that some cases bore the appearances of divided legislatures and united Crowns, but those appearances were to the utmost degree deceptive, and the more closely they were examined the more clearly did that character develope itself. Such was the case, for example, in the co-existent parliaments of France, Burgundy, and Brittany; and, equally so, in those mockeries of the names of Parliament with which the House of Austria still amused the people of Hungary and the Tyrol. In all these cases there was no such thing as an independent legislature; all the power lay in the hands of the Crown; the Parliament was a mere pageant—a mockery—or means of riveting the fetters of the conquered. In fact, if history had one lesson which stood out more emphatically than another,

—it was that which, indeed, reason would strike out for itself, the impossibility of two independent legislatures co-existing under the same executive head. It was not easy to get at the precise plan of Repeal contemplated by the learned Member for Dublin. He had not himself developed it, and it was only to be guessed at by some partial revelations. Among a number of statements of the learned Gentleman on this head, which he had read in the public Journals, the most precise plan was one proposing a kind of federal union of a local legislature sitting in Dublin, with an imperial legislature in London. But did the learned Gentleman deceive himself so much as to suppose, that by this plan he evaded the difficulties of two independent legislatures? Supposing, as in the latter case, that there should spring up some difference of opinion or conduct between the two legislatures—the domestic and the imperial—who was to decide between them? Where was the paramount authority to declare, “you are right,” and “you are wrong; you therefore must yield, &c.,” for on the supposition of the learned Gentleman, they were both to be independent and supreme. A dispute between the House of Commons and the House of Lords was bad enough; yet in that case the Crown possessed a constitutional power, which in practice had prevented collisions between the hereditary and the representative branches of the Legislature; it could dissolve the one,—it could add to the numbers of the other. They all knew that both expedients were had recourse to in the reign of Anne, in 1704 and 1712; in the one instance (the Aylesbury affair) the Queen dissolved the House of Commons; in the other (the question of the peace of Utrecht) she created a number of Peers. But who was to arbitrate between two independent Legislatures elected by two different nations? The federal union of a domestic and an imperial legislature, did not meet the difficulty which, indeed, the greatest federal republic in the world was at this moment exhibiting on a large scale. That republic—the most famed in the world—agreed to its present



constitution in a great convention, over which the genius of Washington presided, and in which the most able statesmen of the day assisted. At that memorable convention, the different states of which the republic was composed agreed to a form of union, similar to that contemplated by the hon. and learned Gentleman; and yet, after more than half a century's trial, the constitution of the United States had found no other arbiter between a local and an imperial legislature, but physical force. The hon. and learned gentleman's plan for separating the legislatures of the two countries, and at the same time continuing the union of the Crowns, was, therefore, worse than a complete and total separation—that complete and total separation which the hon. and learned Gentleman said he should regard as a calamity; but which would be no calamity compared with that which he proposed to put upon us. If, on a fair trial, it were found that the two countries could not be made to co-exist in the same empire—could not be made harmoniously to combine in one course of mutual support and prosperity—in God's name let them be wholly separated. He did not wish to see them, like those strange twin beings lately exhibited in this city, connected by an unnatural tie, which made each the plague of the existence of the other—each in the other's way; more slow of motion, because they had more legs; more helpless, because they had more hands; partaking of no common aliment, sympathizing only in disease and helplessness, and each being perpetually subject to perish by the dissolution of the other. And, now, in what character was it that the hon. and learned Gentleman came forward? He said that he appeared as the last advocate of his own country—as the man who stood between the empire and civil war. But if they admitted that the Repeal of the Union was to save us from this calamity, what argument had the hon. and learned Member advanced in favour of that proposition? He had recounted many grievances; and he was not the man to speak lightly of those grievances—they were, undoubtedly,

numerous, extensive, and of long standing; but when he heard the hon. and learned Gentleman go through that melancholy list of evils, many of which, unquestionably, required a speedy remedy—a remedy which he trusted soon to see applied—(at least so far as any remedy might be within the gift of the Legislature), when he heard the hon. and learned gentleman go through that melancholy list, he detected one alone which, as it seemed to him, the Repeal of the Union could, even in the hon. and learned Gentleman's own opinion, tend to remove. What was the nature of the evils to which the hon. and learned Gentleman alluded—were they such as did not exist previous to the Union? Certainly not; and he had yet to learn that the Repeal of the Union would be a remedy for grievances which existed long before that Union took place, and which grievances, he would confidently venture to add, a Repeal of that Union would but aggravate. The learned Gentleman, in his *post hoc* and *propter hoc* distinctions, seemed to reverse the well-known logic of the Goodwin Sands *versus* Tenterden Steeple. The steeple was the cause of the sands, said the rustic logicians, because it existed before they encroached upon the coast; but the learned Gentleman reversed the reasoning, and said, because the Union took place long after the existence of certain grievances, therefore it must be the cause of them. Some of the grievances which he thus ascribed to the Act of Union were not peculiar to Ireland, or to any form of government. For what did they reform the House of Commons? Was it not on the same grounds upon which the hon. and learned Member now came forward and asked for a Repeal of the Union? Was not the removal of many of them—undeserving sinecurists, political judges, corrupt magistrates, for example—one of the great objects of the Reform Bill? Surely, the removal of the remaining Irish grievances did not in all fairness require a domestic legislature in Ireland. Besides, see to what the argument tended; if local abuses in Ireland required a local legislature to remedy them, why should

not every other part of the empire, also complaining of grievances be allowed its domestic legislature? They all remembered what complaints were made a few years since with respect to the Welsh Judges; but did anybody, therefore, dream that Wales should be separated from England, and that it should have a domestic legislature of its own? In the same way he never heard it said that a domestic legislature should be established in Cornwall because there were several local grievances in that county which required a remedy. Nay, to come nearer his political home—Leeds—he could assure the House, that a large majority of his constituents complained loudly of the grievances imposed upon them by its corporation; but not a hint had been thrown out that the best remedy would be the establishing a nice federal independent domestic legislature in the West Riding of Yorkshire. And yet, if the learned Gentleman's project were good for anything, it must be capable of being applied to Wales, and Cornwall, and Yorkshire, and every county in England, as well as to Ireland. He would go further (perhaps the learned Gentleman would say much further), and maintain that the clearest ground which could be guessed at, as the basis of his repeal scheme, would apply *à fortiori* to a separation of the legislatures of the north and the south of Ireland. If a rooted difference of religion, and the existence of the worst consequences of that difference, would justify the separation of the English and Irish legislatures, the same difference, and, still more, the same baleful consequences, would warrant the separation of Protestant Ulster from Catholic Munster. If, as the learned gentleman had often declared, it was impossible for a Catholic prosecutor or prosecuted to obtain even the semblance of justice from an Orange jurymen, and that such a state of things would be a justification of a Repeal of the Legislative Union between England and Ireland (though the fact was notorious that no such conduct would, under any circumstances, be manifested towards any British subject in England), why then the same rea-



soning, that only a domestic legislature could remedy a domestic grievance, would in a tenfold degree apply in favour of one domestic legislature in Dublin, and another in Derry, or some other large town in the north of Ireland. All the arguments which the hon. and learned Gentleman had advanced in favour of his favourite scheme of Repeal seemed invalid. In making these observations, he had, in a great measure, vindicated himself from the charge of inconsistency brought against him by his hon. friend, the member for Lincoln. It was very easy for hon. Gentlemen to come forward with a speech made by another, upon the Reform Bill, to read a few sentences from it, and to say : "this binds you to support a Repeal of the Union." It was hardly fair to take such a course, because every expression uttered in the House ought to be construed only in reference to the occasion upon which it had been used. No man knew better than a practised writer like the hon. member for Lincoln, that the whole force or wisdom of words depended on their application ; that nothing was easier than to write a theory on either side of a subject, either all panegyric or all vituperation ; and that the wisdom or folly of the theory depended solely on its application. For example, were he to defend Thistlewood in the tone and language which he should, or at least ought to employ, if he were the advocate of a Lord William Russell, or an Algernon Sydney, it would be plain that he should be employing words, to say the least, inappositely. The whole test of the propriety is the application—the appositeness of the expressions at the time ; and by these considerations he ought, in fairness, to have been judged by his hon. friend, the member for Lincoln. He believed the Reform Bill to be a remedy which might be easily applied for the removal of the greater portion of the evils complained of by the hon. and learned member for Dublin. He believed that the project for the Repeal of the Union was a mere delusion ; nay more, he believed that, in the manner in which it was proposed, it was an impossibility. He believed

also that if it were practicable, there was no part of the empire to which it would be so fatally ruinous as to Ireland itself. The expressions which he used on the occasion alluded to by the hon. member for Lincoln, and which he did not shrink from, imputed much, perhaps nine-tenths, of the grievances and ills which afflicted the country previous to the passing of the Reform Bill, to the misgovernment consequent upon a withholding of that beneficial measure. But it should be recollected, in applying his language to the case of Ireland, that he did not, therefore, argue that the breaches of the law to which these consequences of misgovernment led, should go unpunished. When he said that in his mind the burnings and destruction of agricultural produce, which disgraced so many portions of England, were mainly owing to the then Ministers turning a deaf ear to the people's cry for Reform, he did not at the same time contend, that the incendiaries and the lawless disturbers of social order should not be hanged or otherwise punished. Then, though he earnestly deplored the probable results of rejecting the Reform Bill, he did not assert that the outrages and excesses committed under the name of that rejection should pass with impunity—that for the Bristol rioters, for example, the sword of justice should not be unsheathed—but he would defend the consistency of his language, on that and the present occasion, out of the mouth of the learned member for Dublin himself. That learned Gentleman told the House yesterday, that the coercers might goad by their harsh policy, some of the least prudent, least thinking multitude, into a general war against property and order, but that then he should be found in the ranks of the Executive in resisting the outrages, and punishing the guilty. The learned Gentleman, it was true, said that he would thus join the ranks of the Government as the lesser of two great evils—that while he aided it, he would abuse and execrate it as the parent source of all the mischief—but still he would be found in its ranks. If, therefore, the learned Gentleman did not 'seem

himself inconsistent, when aiding in the case he put to check the lawless consequences of grievances which he called upon the Houses to remedy, he was at least as little obnoxious to a similar charge by his hon. friend, the member for Lincoln. The hon. Gentleman and he agreed in ascribing to misgovernment the real parentage of the grievances which had led, or might lead, to acts inconsistent with social order; and both of them agreed, that while the grievances should be remedied, the violation of the law should be punished. The only difference between them was one of time—that was, when the law should be enforced against its transgressors. He agreed with the learned Gentleman, that Ireland presented many grievances which demanded a remedy from the Legislature. He, for one, would do his best to redress those grievances. He would go further, and declare he would not belong, for a moment, to any Government to which that redress should be a matter of unnecessary delay. But because he was thus ready to redress the grievances of Ireland, was he, in the mean time, to see the law outraged—nay, despised by a furious and misguided multitude? Talk of the distribution of Church property in a country in which no property was respected, and were they to be told that, to enforce the law against the robber, and the murderer, and the incendiary, was to drive an injured people into civil war? Did they who talked thus wildly recollect the present deplorable state of Ireland? Did they recollect that, in one county alone, according to the authority of the right hon. Secretary for Ireland, not less than sixty murders, or attempts at murder, had been perpetrated in comparatively a few weeks, and not less than 600 burglaries, or attempts at burglary? Why this was far worse than civil war. A loss of life and property equal to the sacking of three or four towns. Civil war, indeed! he declared solemnly that he would rather live in the midst of any civil wars he had ever read of, than live in some parts of Ireland at this time. Much rather would he have lived on the line of the Pretender's march



at Carlisle or at Preston, than now live in some of the districts of Ireland in which burglary and murder were the nightly occupations. In point of fact, to threaten civil war was only to threaten that which was now suffered, for Ireland was in a state of civil war. And yet, to endeavour to put an end to such a disgraceful scene of anarchy and strife was, forsooth, "brutally" to coerce Ireland. He repeated that the civil war had long since begun, and, if not checked, must end in the ruin of the empire. In the course of the remarks with which he had thus troubled the House, he had avoided all allusion to those irritating topics connected with the vituperations which the hon. and learned member for Dublin had, more than once, thought it fitting to pour out against the party now in office. That party would spare itself the task of reproaching him with conduct, to say the least, savouring of ingratitude. The hon. and learned Gentleman might be assured that his abuse was not a bit more stinging to those against whom it was directed, than that which was so lavishly bestowed upon them by those who so long withheld from him and his Catholic brethren their political rights, and who were now allied with him in hostility against those very persons who were ever the earnest and uncompromising advocates of those rights. He might be assured that the high-minded men who braved the "no Popery" cry in all its fury, were not likely to be scared by a cry for the Repeal of the Union. As attached to that party known by the name of "the Whigs," it was not for him to speak of their claims upon the favour of an enlightened public. The time would come, when history would do them justice, and would show, among other things not unworthy of commendation, how much they had done and suffered for Ireland; it would show that, in 1807, they left office because they could not knock off the political fetters of their Catholic fellow-subjects; and that, for the same sacred cause, they remained upwards of twenty years out of office, though more than once it was within their grasp, braving at the same time the

frowns of the court and the hisses of the multitude. Yes, for the Catholics they renounced power and place, without obtaining in return the poor reward of a fleeting popularity. These were men, in those days of "no Popery" triumph, who might, by uttering one little word against the Catholics—nay, in some places, by merely not saying a little word in favour of them, have been returned by numerous constituencies to a seat in the Legislature; but who, sooner than utter that little word, contrary to their well-founded convictions of right and justice, were not only excluded from Parliament, but from all those places of honour and trust which are coveted by every high-minded English gentleman! The Whigs retired from public life, but their honour was unsullied. The clamour, therefore, which the hon. and learned member for Dublin was endeavouring to excite against Earl Grey's Government could not be of much moment, compared with that which Earl Grey had already withstood in order to place the learned Gentleman where he sat. Though a comparatively young member of the Whig party, he could take it upon him to speak their sentiments on this head. He therefore could tell the hon. and learned Gentleman that the same spirit and moral courage which sustained the Whigs when out of office, in their conflict with bad laws, would sustain them in office in their conflict with the enemies of good laws. They were not deterred by clamour from making the learned Gentleman not less than a British subject; he might be assured they would never suffer him to be more. In saying this, he believed that he was speaking the sentiments of many thousands. He was proud to say that he stood there, for the first time, the Representative of a new, a great, and a flourishing community, who conceived that, at the present time, the service of the people was not incompatible with that of the Crown; and who had sent him there, charged (as the words of his Majesty's writ expressed it), "to do and consent to such things as should be proposed in the great council of the kingdom." In their name, therefore, he

hereby gave his full assent to that part of the Address wherein the House declared its resolution to maintain, by the help of God, the connexion between England and Ireland inviolate, and to intrust to the Sovereign such powers as might be necessary for the security of property, for the maintenance of order, and for preserving, entire, the integrity of the empire.



## THE DISTURBANCES (IRELAND) BILL.\*

FEB. 28, 1832.

HE confessed, that the apprehensions entertained by the hon. and learned Gentleman who had just sat down [Mr. Sheil] did not appear to him to be in any degree well-grounded, nor did he think that the speech of that hon. and learned Gentleman, however much it had been cheered at that side of the House, would at all weaken the lasting impression made by the admirable address delivered by his right hon. friend (Mr. Stanley) yesterday evening. That speech had produced an impression which he was convinced would not easily be removed from the minds of those who heard it. The hon. and learned Gentleman had told them, that that speech, great as he admitted it to be, owed much of its force to the prepossessions of the majority in that House. According to the hon. and learned Gentleman, it would appear that English members were eager to find an excuse for exposing Ireland to the operation of this measure. For himself and for those who concurred with him in opinion as to the necessity of the measure, he begged most distinctly and positively to repudiate the charge. That Englishmen were anxious for some excuse to put their fellow-subjects of Ireland out of the pale of the Constitution was, he must, in justice to himself and other English members, say, altogether unfounded. For his own part, he had never risen in that House under more painful feelings than those which now oppressed him. He had never thought, that it would have become necessary for him to stand up and defend the suspension of the *Habeas Corpus* Act.

\* Hansard, 3d series, Vol. xv. p. 1326-1337.

and the suspension of the trial by jury. But on what grounds did he defend that course? Before he went to those grounds, he would begin by saying, that he entertained no feelings with respect to the rights and liberties, and prosperity of England, which he did not hold as fully and as strongly in regard to those of Ireland. He thought there was no situation in the life of a public man more painful than that in which he found himself, under the necessity of supporting the suspension of the *Habeas Corpus* Act and even the temporary abolition of the trial by jury. These were sacred portions of our Constitution, older than Parliament itself—their origin was lost in the darkness of ancient times, they were beyond the Heptarchy; they formed parts of the great charter of British liberties; they were those great bulwarks of freedom for which our ancestors had bravely and successfully struggled—to preserve which kings had been deposed, dynasties had been changed—for which a noble army of martyrs had bled. He touched those sacred bulwarks with trembling and awe. Never ought they to be touched or disturbed but in case of the greatest necessity; but that necessity once made out, he would not stop to inquire, how far or how short he was to go beyond them. He would not—having once admitted the principle—enter into the details, for they must be granted, in order that the application of the principle might not be in vain. He could imagine nothing worse than the enactment of a measure which, being unconstitutional, should, at the same time, be ineffectual, which, while it went beyond the law, did not afford any security for the briefness of its own duration. In departing from the law, he would rather err on the side of vigour than of lenity. He would therefore adopt a strong measure, that its duration might be short, and that it might be less liable to be drawn into a precedent. When once, therefore, he had made up his mind that a suspension of the *Habeas Corpus* and of the trial by jury had become necessary, it was to him of little importance to go into discussion as to details.

and in that feeling he would not inquire which would be the best substitute for the trial by jury—the trial by one judge, or by three barristers, or by courts-martial—for though he was not without an opinion as to which was the best, he would not stop to choose between them, but as he had mentioned them, he must say that, in his opinion, any of them would be preferable to that substitute suggested by the hon. and learned Gentleman who had just addressed the House. That the hon. and learned Gentleman seemed to think, that the trials under the Bill before them ought to be by a jury, but a jury chosen from the aristocracy. Now, it seemed to be generally admitted, at least he had not yet heard any hon. member who controverted the opinion, that the very worst hands to which the administration of strong measures like the present could be confided, were the local gentry or magistracy. Yet, to something like this, to a sort of special jury of the aristocracy, would the hon. and learned member confide the administration of these strong measures. He would have a jury of the Protestant gentry to try the Catholic peasantry. Could anything be more likely to create irritation, when the passions and prejudices and superstitions of the great mass of the people would be opposed to it? Was that the course which the hon. and learned member would adopt? But how, then, could a jury of the aristocracy be formed, without incurring the objection that seemed so generally to prevail as to the unfitness of the local gentry to administer strong measures? Let him, without going further into details, which, he repeated, he looked upon as of minor importance, if the necessity for the principle was made out—let him ask, was that necessity proved to exist? He thought it was. The question of that necessity was divided into two great parts. There was predial agitation and political agitation. Was any doubt entertained of the existence of the former? Could anything be more appalling than the details which were received, and some of which the House had heard, as to the meetings and outrages of the peasantry? Well,



but it was said, "put a stop to that," and he thought he had heard it said, let it be enacted that any man in the disturbed districts who was found from his home after eight o'clock at night, should be liable to the punishment, not only of a misdemeanour, but a felony. ["No, no," *from Mr. O'Connell.*] If his ears had not deceived him, that was said, and there were many near him who were under the same impression. But, perhaps, there had been some words said very like them in sound, though differing in sense, as in another case, which must still be fresh in the recollection of the House. He thought that something of the kind was said at the time when a threat was intimated of vengeance to be taken for Ireland by the mob of St. Giles's. To him it appeared to be incontrovertibly proved, that predial agitation existed, and it was closely connected with political agitation. He did not rest on the anecdotes which he had heard on the subject, though some of them were of great importance as showing the opinions of the great mass of the people. He did not take this proof from the ballads on which the hon. and learned Gentleman (Mr. Sheil) had commented; yet, from circumstances such as these, trifling as they might at first appear, the signs of the times might often be collected. Such things were, as Lord Bacon said, like straws which, thrown up, showed which way the wind blew. Taking the whole of what he had heard, he could not refuse his belief to the facts, nor could he avoid coming to the conclusion, that there was a close connexion between predial and political agitation. A likeness existed both in feature and in principle, and the principle of each was evidently one and the same—that of preventing peaceable inhabitants from being loyal to their King, and obeying the laws of their country. Both were founded on intimidation. The Whitefeet threatened, and put their own threat into execution; the political agitators also held out their threats, and in doing so usurped a power which no subject had a right to. There was an active and a passive resistance to the law. That the active was

unlawful no man would pretend to deny ; that the passive resistance—that which directed or recommended men not to deal with other men of certain political opinions—not to buy from or sell to them, was also unlawful ; he would assert ; and he was satisfied that the hon. and learned member for Dublin would not stake his legal reputation on the assertion that it was otherwise. But there were other modes of intimidation. What were those district courts which were recommended, and to which men were told to refer their differences ? What were those but so many sources of intimidation, by which those who should refuse to conform to them were to be held up to public odium ? What was that organization of an unarmed body, which might be armed ? Were not all these so many means of intimidation ? They had heard in that House of declarations against the Whitefeet, of disavowals of their acts ; no doubt, most, if not all, of their acts were such as no man had yet the hardihood to defend. But was there no use in keeping up excitement just below crime, and amongst those who were just above the vilest criminals ? Was such agitation not of some benefit to those who made a profit of it, and could they be otherwise than desirous that it should be kept up just below that point where it excited the disgust and the horror of all reasonable men ? Some men turned agitation into a lucrative trade, and it was of use to those who could turn it to a profitable account. But why, he would ask, declaim so strongly against the predial agitation by the Whitefeet and others, when they who so declaimed, kept up an agitation, of a different kind as to the means it was true, but much alike in the tendency ? Suppose one of those Whitefeet brought before an association of agitators of a different kind, and asked to account for his conduct, what would be his natural answer ? “ You,” he would say, “ agitate, so do I ; you pursue one course, I another ; you intimidate, so do I ; but though the execution of my threats is more immediate, it is not more certain than that of yours in the result. You speak of your unarmed volunteers, so have I mine.”

mostly unarmed, but I have my arms under lock and key, to be delivered for use as occasion may require. I have as much right to act against the law in my way as you have in yours." What was the difference between this active and passive resistance? Why, the active resister of the law was exposed to great personal risk, from which the cunning of the passive resister might screen him. In this respect the difference between them was, he admitted, great, but in a moral point of view, were they not both the same? The active resister might well ask, "Who gave you the right to draw the line, and to say where passive resistance should end, and where the active should begin? Who made you Judges over your fellow-countrymen? What right have you to determine on taking up arms, and forming yourselves into what you call a national guard? You say you have grievances to redress. So have we. We have woods to cut down, cultivated grounds to uncultify, houses and farm-yards to burn down, stewards and landlords to dismiss; and we do this with the same right that you have to take upon you to cure your own wrongs." The Whitefeet might be disavowed by the agitators and pacificators, but that the acts of the one had a connexion with the agitation of the other he thought no man who paid any attention to what was passing in Ireland could for a moment entertain a doubt. But suppose, for a moment, that no such connexion existed, still he would contend, that political agitation was a proper subject for legislative interference. It was, as it had been seen, a usurpation of the power of law, a self-appointed association, sitting to try causes—not merely a civil, but also a criminal tribunal, where men were denounced for holding certain political opinions, and the terror of those denunciations obliged those who gave an honest vote to move about with pistols in their pockets for the protection of their lives. What did such an association want? A story was told of a king of Scotland, who, meeting a border robber, was so struck by the number of his followers and the splendor of their



appearance, that he exclaimed, "What wants that knave which beseems a king?" So he said, what wanted the Volunteers? Not power—not terror—they wanted nothing but responsibility to make them a government. He would as soon trust to them, as soon be under their domination, as of those ancient secret societies of Germany, who sent their spies abroad, and despatched their assassins to the right hand and to the left. History scarcely supplied a parallel of a similar association. The present Volunteers compared themselves to the Volunteers of 1782, and to the Unions of England. Nothing could be more grossly incorrect than the comparison—nothing more unlike than the two things. He knew of no body to which they could be compared—at least no existing society. The only one that he could recollect was one which, by its applications, had usurped all the powers of Government, and which, through the medium of its dictators, spread tyranny over the unhappy country in which it existed. He meant, as might be easily seen, the Jacobin Club of the first French revolution. That club was long under the control of a man who was the idol of the people, but who, after plunging his country into the abyss of ruin, miserably perished. It was to that club, and to that only, that the present political associations in Ireland could be assimilated. In their organization, in their conduct, there was a resemblance between the Jacobin Club and the Irish Volunteers. Let anybody read the debates and speeches of both societies, and the closest application would be found in his comparison. A member of this Irish association declares that he will stand upon a mine, to the train of which the match is about to be applied, if the great leader of that association commands it. So, among the Jacobins, were found those who would drink poison rather than disobey the wishes of their chiefs, or separate themselves from their political fortunes. Since those associations followed the career chalked out to them by the Jacobins—since they imitated them in even minute details—should the present Government

imitate that weak administration of France, which shut its eyes upon the designs of those Jacobins—allowed them to wax powerful, and at last to dictate to all without control? He hoped not, and that it would be taught by experience, and destroy the evil in its bud. He would ask a Reformed Parliament, freely chosen by the electors of the greatest nation of the world, whether it was to see such power assumed by any body of men—he would ask them as freemen, whether they could sanction the existence of such associations? In former times there were brave men who had resisted the tyranny of the Stuarts; but when they saw a fresh tyranny springing up, they naturally enough asked; “Have we slain the lion in order to be devoured by the wolf?” So he asked, “Had they beaten down parliamentary corruption, only to make way for the rule of clubs?” He belonged to that party which had carried Reform, in order to avoid revolution. But that party had not fought the battle against the proudest aristocracy in the world, in order that an oligarchy which had since sprung up should rule in its stead, an oligarchy which had no title to power but the lenity of the Government and its own audacity. Were they prepared to surrender Ireland to the domination of such a party? It was said that this measure would destroy liberty in Ireland. Where was that liberty? He remembered in Mr. Matthews’s very amusing description of American peculiarities, the exclamation of the Kentucky man, who cried out, “Pretty liberty, when a man cannot wallop his own nigger.” He might say of the sort of liberty enjoyed in Ireland, “Pretty liberty, where a man cannot enjoy or express his own opinion—pretty liberty, where a man is not secure of his property or life—where he is constantly obliged to go about armed, to protect himself from the violence of those who will not allow him to think and judge for himself—where he is called upon to resort to those self-constituted courts of arbitration rather than to the ordinary tribunals of the land—a liberty that prevents buying or selling—a liberty that

flourishes in the midst of conspiracies—a liberty whose *insignia* are plunder and assassination.” That was the liberty Ireland was to be bereft of! Never was that word more profaned—never was that sacred word of liberty more foully abused, than it was at present in Ireland. The history of Europe gave but one example of such profanation of the word Liberty—that was, when over the doors of the execrable Jacobin Club were emblazoned the words, “Liberty or Death.” The Government were defending real liberty, when they asked for those coercive measures so much decried. What were the *Habeas Corpus* and Trial by Jury intended for? Why, to be the means, not the ends, of protecting life and property; they were valuable, because they secured life—because they secured property—because they protected order—and they became worthless the instant they afforded protection to villains and depredators. Allusion had been made to former measures of this kind. He would say, that there never was a measure which stood on such grounds as this, and for which such a necessity existed. No Ministry had ever yet applied for such measures who stood upon the same grounds as the present Ministers. The present Ministers had the confidence of the nation, and would not abuse it. They asked for great powers to be granted them; but, at the same time, they felt that they were responsible to a Reformed Parliament for the use they made of those powers. Besides, they asked for those powers, in order to be able to apply to Ireland those measures of redress which they knew she was entitled to. It had been argued, last night, by the hon. member for Lincoln (Mr. E. L. Bulwer), that, with them, it was “to-day, concession—to-morrow, coercion. A quick alternation of kicks and kindness—coaxing with the hand, and spurring with the heel.” Such an accusation did not come well and consistently from that hon. Member, as he would confess, if he recollected his words on the Address to the Throne; he said then, “If you ask for coercive powers, why do you not, at the same time, hold out measures of



redress?"—That was the very thing Government did ; it agreed with the hon. Member's first thoughts, which, in his humble opinion, were better than his second thoughts. The Government, in asking for those measures, gave a strong proof of consistency—a strong proof that it acted upon the principles of Reform. It was a proof that it still advocated the same principles as when it recommended Reform. It was determined to provide a remedy in time, so that it might not be compelled to legislate in the midst of such scenes as were acted at Nottingham and Bristol. They had recommended Reform as a remedy, and they were determined it should not be abused. Two different diseases existed in Ireland, and they had different remedies for the grievances complained of, and for the system of outrage. To the latter, which was a temporary paroxysm, would be applied temporary remedies—to the former, which were founded upon deeply-rooted discontent, would be applied an efficacious, speedy, and yet permanent cure. At all events, the present Government, in asking for coercive powers, were only following the example of the Administrations that went before them. He considered, that the present state of Ireland might be aptly compared to the state of the Highlands of Scotland eighty years ago. At that period there existed in the Highlands two species of agitation—predial and political agitation. The one carried on under the influence of Lord Lovat, resembled the political associations of Ireland at the present day. The other, the principle of which was burnings, robbery, and murder, was conducted by the noted Rob Roy. The means of the two were different, yet they were closely connected. The Government of that day broke up the connexion, which was more honest than the present, for that was kept up by family ties, the present by intimidation ; but the Government broke it up by the enactment of salutary laws, and at the same time it improved the condition of the Highlanders by making roads and bridges, and otherwise facilitating intercourse to every part

of the country. And what is now the consequence, he would ask, of having then had recourse to means of coercion? Let the Highlanders be asked: there would not be found one among them who did not bless the severity used towards them at the period mentioned, and the salutary wisdom that dictated that severity. He had no desire whatsoever to disguise the appalling features of the present measure. Though it were nothing but a mere experiment (if an experiment, it was at least *experimentum in corpore vili*), though its features were still more hideous, yet it was less appalling than the state of things in Ireland. It asked for courts-martial; but could any thing that would result from them, by any possibility, be half so despotic and arbitrary as what might be expected from the New National Guards already organized and prepared to extend their sway? Looking at the courts-martial in their worst light, were they so bad as the courts which were now opened to try men for their political opinions; and having passed sentence of denunciation against them, to hand them over to the peasantry, with the request that they might be dealt with as leniently as possible? See how the two systems would operate—that of the proposed measure, and the one which at present prevailed. This would tend to prevent illegal assemblages at night; that which now prevailed tended only to encourage the midnight assassin. This would authorize domiciliary visits, in order to find out who were engaged in these outrages; the other made those visits only to punish the innocent. He knew which species of visits he should prefer; and he emphatically declared, that let the measure be stigmatized as it might; let it be branded as an Algerine Act, he preferred it to a Kilkenny Act. He would far rather live in Algiers, in its most despotic day, than he would live in the county of Kilkenny at the present time. There was last year as ample a suspension of the laws in some parts of Ireland as was now demanded; and yet the powers it gave were not abused. The cause of that suspension

was, to prevent an evil at which even agitation trembled—the further propagation of cholera. Now, if it were given him to choose, and to say which he should prefer—that dreadful pestilence, such as it prevailed in Russia or India, or this moral pestilence, under which there was no security for property or life, under which men were exposed to the visits of the midnight assassin, and to the noonday murderer, to having their houses burned by night, and to be shot as they fled from the fearful conflagration—if, he repeated, it were given him to make a choice between those two evils, he would choose the former; for he would say with the Hebrew king, “Let me fall into the hands of God, not into those of men.” He had thus stated his opinion freely and candidly of this measure; but he could assure the House that, in what he said, he was in no degree influenced by his official connexion with the Government. He did not expect any credit on this score from the hon. and learned Gentleman opposite. He would admit, that there were many cases in which a man might give up his own opinion out of respect or attachment to political friends, or from connexions with Government; but the suspension of the *Habeas Corpus* Act was not one of those cases in which such a sacrifice of opinion could be honestly made. He could appeal to many of his hon. friends near him, who would bear testimony to the fact that he had come down on an early night of the Session, when the measure of Church Reform was to be introduced, prepared, in spite of his attachment to those who formed the Administration, and in spite of his own connexion with Government, to separate himself from that Government, if he should not find that the measure to be proposed was of a nature which the country had a right to expect. But as he was then ready to part from Ministers if he could not concur with them, so now he was ready to lend them all the feeble aid in his power, being firmly convinced that the course which they proposed was the right one. He should have no fear of meeting his constituents in consequence of his vote on this occa-



sion. He knew their zeal for liberty ; but he also knew that it was zeal with knowledge. While they would oppose any unnecessary inroad on the rights of any portion of their fellow-subjects, they would, though they regretted its necessity, not object to a measure which, while it temporarily suspended the Constitution, did so only that it might not be wholly endangered by anarchy. He would willingly render them an account of his conduct, satisfied that they were too sincerely attached to true liberty, and too enlightened, not to distinguish between it and that unbridled license which could end only in the worst of slavery. Whatever might be the result of the opinions he had expressed, he would abide by them. He had made up his mind on the subject. He might become the victim of popular injustice, but he would **never condescend to be its flatterer.**

## CHURCH REFORM, IRELAND.\*

APRIL 1, 1833.

*In Committee on the plan for regulating the temporalities of the Church of Ireland.*

He had two species of opposition to contend against—that of those hon. Gentlemen who did not conceive the Bill went far enough, and that of those who either considered that it went too far, or of those who believed that such a measure never should have been entered upon at all. Now, with respect to the first, he was glad, at least, to learn from the hon. and learned Member opposite, that the Bill was satisfactory so far as it went, and that it would not have, in fact, been equally judicious, if at present it did go further. On this opinion of the hon. and learned Gentleman he was willing to rest his defence of the Ministers for having gone no further. He was heartily glad that the hon. and learned member for Tipperary had withdrawn his notice of Motion, which stood upon the books; and he wished sincerely that that hon. and learned Gentleman's example might prevail with others, and induce them in like manner to withdraw the Motions they had announced. He conceived that it was a matter of extreme importance that this measure should be carried; and he felt that the difficulty of carrying it would be most considerably increased if it were made stronger. He consequently should, if it were necessary, feel no difficulty in moving the previous question, should the hon. Member not consent to withdraw his Amendment.

\* Hansard, 3d Series, vol. xvi. p. 1383-1393.

He had now, however, to approach the other species of opposition against which he had to contend, and which was much the more formidable of the two—namely, that the Bill went too far, or rather, that it proceeded on an erroneous principle. Among those who had supported this view of the subject, the hon. and learned member for Dover had contended, that if his Majesty should give his sanction to this measure, it would be given in direct violation of his Coronation Oath. The hon. and learned Member also said, that this measure was a violation of the rights of the Church, and of the rights of property. The argument respecting the Coronation Oath was urged when the questions of the Catholic Emancipation and the repeal of the Test and Corporation Acts were before the House, and he had thought that that argument had been so completely refuted on those occasions, that it would not have been brought forward again. He was, however, prepared to show that the objection had no force. It was perfectly clear, from the words of the oath, that they could not bear the construction the hon. and learned Member had put upon them. What was the oath?—that the King would maintain for the Church “all such rights as do, or by law shall appertain to the Church.” The whole force of the passage rested on the word “shall.” In another part of the oath his Majesty says, “We declare to govern all our people according to the Statutes agreed to in Parliament;” but surely that did not mean that his Majesty swore to govern by the Statutes actually in existence at the moment he came to the Throne. Certainly not; for if that were the sense of the passage, every Act of Parliament to which the Sovereign gave his consent, in the course of his reign, would be an act of perjury upon his part. How much less, then, was there any doubt of the wording with respect to the rights and privileges of the Church! The fact was, the passage was introduced into the oath for the purpose of guarding the Church against such acts as those which James 2<sup>nd</sup> exercised as head of the Church. The present measure con-



templated no interference of that kind with the Church, and it was perfectly clear to him, that the oath had not the smallest reference to the conduct of the King in his legislative capacity, and did not bar him from giving his assent to any measure agreed to by both Houses of Parliament. Allusion had been made to the articles of the Union as if they prevented any change in the established Church of Ireland. The words of the 5th article of the Union were, that "the doctrine, discipline, worship and government of the Church are to be maintained in both countries unchanged." If this measure were passed, all those things would be unchanged. No alteration was to be made in the Articles, the Book of Common Prayer was untouched, and the discipline would still be episcopal, the Archbishops and Bishops would retain all their authority, and the doctrine and discipline would be unaltered. Would it be said, that the union of certain sees in Ireland made any difference in the doctrine, discipline, worship, or government of the Church? He should suppose not. If so, all the fundamental principles of the government of the Church of England were compromised by the junction between the sees of Lichfield and Coventry. Nor were they destroying the Church of Ireland by arrangements contained in the Bill for a different distribution of church property. Such arrangements had been frequently made by the Legislature. The present case was a parallel to the case of London after the fire. The number of parishes then destroyed was eighty-seven, and soon afterwards an Act passed by which they were consolidated, and reduced to fifty-one, and a commutation of tithes for a fixed money-payment was also ordained. Indeed local Acts of a similar description were continually passed, and every one of them was as much the destruction of the Church of England as this Bill would be, were it to become a law to-morrow. It had next been asserted that the rights of property had been attacked by this Bill; this, he maintained, was an assertion; if it could be proved, he would give up

the Bill. The right of property was of immense importance. To preserve that, Kings, and Parliaments, and Coronation Oaths, all existed. For that alone, law was made. Admitting the momentous nature of this consideration, he denied, that the rights of property had been attacked by the framers of the Bill. No necessity existed which should induce Ministers to infringe on those sacred rights. On the contrary, Ministers felt bound to defend to the utmost the institution of property, believing, as they did, that it was to that institution mankind were indebted for the origin and the progress of civilization—believing that it was in consequence of that institution that we were not now, like our rude ancestors, naked and painted bodies, savages feeding upon acorns and sheltering ourselves in caves. They felt, however, at the same time, that in the institution of property there were many anomalies and evils; and yet these anomalies and evils were not only willingly, but cheerfully borne by the many, in consideration of the manifold blessings which the institution of property conferred upon society at large. He would admit, too, that the anomalies in the distribution of the property of the Church of Ireland were not greater than in the distribution of lay property in other countries. It was an anomaly, that a young man who had never served the commonwealth either with head or hand should hold possession of half a county, while other men who had deserved well of the State in arts and arms, were left without an acre; and yet this was cheerfully endured by all, rather than derange the settled order of things. This was as great an anomaly as existed between the Revenues of the Archbishop of Armagh and the poorest working curate. But, as mankind found no argument in the former for attacking all property, so the latter could apply no inducement to attack the property of the Irish Church. But, the more sacred he regarded the right of property, the more care did it require that the right should not be enfeebled and contaminated by abuses. It was by protecting the abuses with which it was

mingled that the institution itself was brought into disrepute. The House had heard from an eloquent voice, which, alas! they would never hear again, some opinions upon the subject of the institution of property, to which he entirely subscribed. He alluded to his excellent and accomplished friend, the late Sir James Mackintosh, who in one of the discussions on the Reform Bill, while he supported in the strongest way the institution of property, denied it was fortified by the abuses which had accumulated around it. He said: "Of all doctrines which threaten the principle of property, none more dangerous was ever promulgated, than that which confounds it with political privilege. None of the disciples of St. Simon, or of the followers of the ingenious and benevolent Owen, have struck so deadly a blow at property, as those who would reduce it to the level of the elective rights of Gattou and Old Sarum. Property, the nourisher of mankind, the incentive of industry, the cement of human society, will be in a perilous condition, if the people be taught to identify it with political abuses, and to deal with it as being involved in their impending fate." He entirely concurred in those observations, and objected strongly to those who cried out that the institution of property was endangered by removing any of the abuses that had gathered about it. He believed the Government were most anxious to preserve the institution of property; but he thought that the best and truest friends of the institution of property had little reason to be obliged to those who talked of Old Sarum as being property, and vested rights existing in it; and of the anomalies and abuses of the Irish Church being sacred property. He wished to have it understood, at the same time, that he allowed an incumbent had a right of property in his benefice, but not of the same species with the right to landed property. The incumbent was a proprietor, but he was also a public functionary; and his rights in the former capacity were controlled by his duties in the latter. He held this property, as subject not only to the



existing regulations, but also to such as the Legislature might choose hereafter to impose. The hon. Gentlemen opposite must allow that, unless they were prepared to charge a number of former Parliaments with spoliation, and many of the noblest characters whose names graced our history with having encouraged schemes of robbery, there was nothing in this Bill which could authorise the allegations which had been thrown out against it. It was not a spoliation of individuals; it was not a confiscation of property. It did not legalize rapine and plunder. If that were its character, what must the Act of Supremacy have been? That Act deprived Clergymen who took orders under previous circumstances, of their benefices. It was true they were not married, for that was not permitted; but they might have incurred debts, and involved themselves in pecuniary obligations. Yet, without any regard to their possible situation, the Parliament passed an Act of expulsion against any clergyman who refused to acknowledge the supremacy of Queen Elizabeth. He was aware that few clergymen were affected by that Act, because the great majority took the oath; but one instance of a clergyman expelled was as complete an illustration of the principle as a hundred. That Act was passed when the opinions of men were loose and unsettled, but nevertheless that House would not condemn an Act by which the Reformation was firmly established in England. Again, at the time of the Restoration, when the Act of Uniformity was passed, the Prayer Book was altered. It was changed from that which it had been in the reigns of James I. and Charles I.; and those clergymen who might conscientiously object to the new Prayer Book, were liable to be turned out of their benefices. The Clergymen were all told, that if they did not before a fixed day—and that day was St. Bartholomew—notify their assent to the new Prayer Books, they would be ejected from the Church. The consequence was, that several thousands of the clergy were obliged to abandon their livings, and the Church lost several distinguished men. He

admitted, that the authority of many exemplary and excellent individuals was given, to add weight to the principles of this Act; and that it received the sanction of Sheldon, of Juxon, and of other equally celebrated men. That Act was either one of direct spoliation, or else there was an absolute distinction between Church property and other property; since the proprietors of benefices were deprived of their property, for refusing to conform to certain prescribed regulations which were not enforced until long after they were in possession of their benefices. He would not dwell on the changes at the Revolution, but he would come to an Act passed in our own time, introduced by one who could not be accused of any wish to lessen the right to church property—the late Mr. Perceval—and followed up and perfected by Lord Harrowby. According to the principles laid down to-night, this must have been as complete a spoliation of property as ever was committed. It provided, that all non-resident clergymen should, under certain circumstances, pay a salary to a curate, proceeding upon a graduated scale, almost similar to that recommended in the measure now before the House. That was as much a violation of the incumbent's right of property as was contemplated by the present Bill. The right hon. member for Tamworth said, on a former debate, that if the Legislature imposed a tax on absentees, it would be neither more nor less than an act of confiscation. He said, that such a proceeding would be utterly inconsistent with the preservation of the rights of property. But, in the Bill he had just alluded to, and which was introduced by one who was a leader of the high Church party, within the last thirty years, there was either a recognition of the difference between Church property and other property; or else it was a positive confiscation of property. His own opinion of church property was, that it was a sort of mixed property—that it was something more than salary, and something less than an estate; and no man could deny, after the cases he had quoted, that the Legislature had a right to deal

with it. In one sense it might be compared to the half-pay of our army and navy. No man would say, that the total abolition of that half-pay would not be a grievous spoliation. Yet, though it was admitted to be the property of the individual, no man would deny the right of the State to regulate it in any manner it pleased. Such power had repeatedly been exercised, in changes and regulations respecting it, both in respect of the amount, and of the administration of the fund from whence it was paid, when the benefit of the service had seemed to require it. If the good of the Church, and the well-being of the community, could be promoted by a new distribution of Church property, was there any reason why the Legislature should not make it—provided that existing interests were honestly and liberally considered? He admitted that this measure would take something from the clergy; but in no case would it take such an amount as to reduce any of them to distress. The money to be taken from them was to be applied to purposes beneficial to the clergy themselves, and to the security of the Church in Ireland, by removing some portion of that odium, which was entertained to an alarming extent against the Establishment in that country. He did not expect to hear any hon. member of that House contend, that not filling up a vacant bishopric was a spoliation, or a violation of property. How could it? There could be no robbery where there was no person to be robbed, and there could be no injury where there was no one to be injured. The bishopric of Waterford, for instance, was vacant, and it was not the intention of Government to fill up the vacancy. To whom was the injury done here? Not to the bishop—for there was none; not to his predecessor, for he was dead; nor to any of the 10,000 persons from whom a selection might be made, not one of whom would probably consider his chance of the appointment worth a sovereign. There was, then, no injury to any, unless it could be shown that those who had been under the spiritual care of the preceding bishop were to be left without



future spiritual instruction ; but if adequate provision were to be made on that head, there could be no injury to any party, but there would be a direct and positive good in the application of the revenues of that see to other Church purposes which required them. He had heard with astonishment the argument of the hon. and learned member for the University of Dublin, who maintained, "that the whole property of the Church, even for the purpose of distribution, was beyond the control of Parliament, and that no Parliament could sanction any measure of this kind without being guilty of sacrilege." He denied the truth of the proposition of the hon. and learned Gentleman. Parliament had the same power to alter and remodel, as to frame ; and the Church of England had no rights, except under the Act of the Legislature. Did the hon. and learned Member say, that the unity of the Church would be destroyed by the diminution of ten Bishops in Ireland, when the whole doctrine, and discipline, and worship, continued the same ? Or did he mean to say, that that unity was to be kept up only by its temporalities remaining in the same hands ? Did he mean to renew the doctrine of those who once held, that the gold was to be preferred to the temple which sanctified it ? Had the clergy of England been as inflexible in doctrine as some of their Bishops at the period of some of the changes of doctrine and worship to which he had already alluded, would not the whole of the Church property of the country have changed hands ? What would then have been said of the identity of the Church ? What would the hon. Baronet, the member for the University of Oxford, say to a revision of the wills of those pious men by which the colleges which he represented had been so liberally founded, and so munificently endowed ? If he contended that any interference with Church property was spoliation, as no doubt he would contend, what would he say, on referring back to the wills and donations of some of the pious founders of the colleges of Oxford ? William of Wyckham ; Chicheley, the oppo-

ment of the Lollards; Flemming, the enemy of Wickliffe, Cardinal Wolsey, a candidate for the Papal Throne; Sir Thomas Pope, the follower of Mary and the teacher of Elizabeth—would have burned off their hands before they left bequests which they conceived were likely to be used against the religion they professed. If any one had told any of those pious founders, that mass would soon cease to be celebrated in the chapels which they had built, and that the refectories and chambers of the halls and colleges which they had endowed, would no longer be occupied by those who acknowledged the jurisdiction of the Bishop of Rome in England, they would much rather have left their money for the education of laymen without religion than have it used for the dissemination of doctrines which they considered as atrocious heresy. He would support the measure because he thought it would tend to the peace of Ireland—to the preservation of property there—to the real benefit of the clergy. It was the beginning of a series of judicious measures of reform, which would greatly promote the interests of religion and of the Established Church. He looked upon it also as one which would be for the interest of the people of England. But, before he concluded, he was anxious to remark that one of the objections urged against the Bill, was that by reducing the number of Bishops they left no room for the expansive force of Protestantism—no machinery by which the affairs of an Enlarged Church might be administered. Ireland was about half the size of England, and she was to have half the number of Bishops which England had. If Protestantism should expand, it would have the machinery necessary for such expansion; but he owned that he did not anticipate any such expansion, with all its wealth, and power, and learning. It had not been deficient in these aids—it had not lacked the aid of whatever they could give of penal laws in its favour; and yet the Protestants of Ireland at the present day were not a fourth of the population, and of that small number more than the half did not belong to the

Established Church. Compare the expansive power of Protestantism in Ireland for the last century and a half with that which existed in the 16th century. The spirit—the restless and overmastering spirit—of Protestantism was much changed. That spirit which displayed itself in so eminent a degree in the 16th century, which bore it along triumphantly against Popes and Cæsars, and General Councils, and Princes, and Prelates—which enabled it to subdue conquerors and armies—made it proof against inquisitions, and dungeons, and racks, and slow fires—had fled. The heart and mind of man, supported by the enthusiasm of a pure faith, had then triumphed over all opposition against all. Within a brief period Protestantism had spread from the Vistula to the Danube; from the Pyrenees to the Frozen Ocean. The same person who heard Luther preach his first sermon against indulgences, might, without enjoying a life protracted to a great number of years, have observed Protestantism expanding itself, and established in England, Scotland, Ireland, Holland, Sweden, Denmark, Norway, the North of Germany, a part of Switzerland, and struggling in France, not for toleration, but for supremacy. But, as a Protestant, he regretted to say, that Protestantism had made comparatively little progress during the three last centuries. It remained, on the Continent, where it had reached in the days of Philip and Mary, or rather it had receded within the marks to which it had then extended. And what had already arrested its course in Ireland? Was it that the doctrines were less pure, or was it, that from the constitution of the human mind, as men became more and more enlightened, they were less and less capable of perceiving the pure truth? Was it that the Protestant Church in Ireland had not been supported by wealth, and dignity, and power, and by the aid of favouring and penal laws? Certainly not. How then was it? If he were a Roman Catholic, he might say, because the Catholic faith was strong in its strength, and founded on the immortality of truth; but, being a Protestant, he



must look for some other reason, and inquire if they had not incumbered the Establishment by worse than superfluous helps, and whether in succeeding to the wealth and pomp of the religion of Rome, Protestantism had not become tainted with something of the languor of the old religion! Had the progress of vigorous and sound thought been arrested by that fatal languor which accounted for the want of success of a great general of antiquity, who declared he had lost more at Capua than he gained at Cannæ? How was it that the spirit of Protestantism had died out where it had been raised to honour and wealth, when it had formerly extended itself, in spite of opposition, over all the kingdoms of Europe? He would not however pursue that painful theme. For himself, at least, he must say, that he did not conceive that there could be any marvellous advantage to the cause of Protestantism, by the retention of the sees which the Bill proposed to dispense with hereafter. If Protestantism depended upon sees, there would not be a Presbyterian in Ulster, nor a Catholic in Connaught. It was time that they should try new councils, and that they should remove the grievances of the Dissenters, and restore peace to Ireland, and its just and proper powers to the Protestant Church.

## THE EAST-INDIA COMPANY'S CHARTER BILL.\*

JULY 10, 1833.

HAVING, while this measure was in preparation, enjoyed the fullest and kindest confidence of my right hon. friend, agreeing with him completely in all those views which on a former occasion he so luminously and eloquently developed, having shared his anxieties, and feeling that, in some degree, I share his responsibility, I am naturally desirous to obtain the attention of the House while I attempt to defend the principles of this Bill. I wish that I could promise to be very brief; but the subject is so extensive that I will only promise to condense what I have to say as much as I can.

I rejoice, Sir, that I am completely dispensed, by the turn which our debates have taken, from the necessity of saying anything in favour of one part of our measure—the opening of the China trade. No voice, I believe, has yet been raised in Parliament to support the monopoly. On that subject all public men of all parties seem to be agreed. The resolution proposed by the Ministers has received the unanimous assent of both Houses, and the approbation of the whole kingdom. I will not, therefore, Sir, detain the House by vindicating a measure which no gentleman has yet ventured to attack, but will proceed to call your attention to those effects which this great commercial revolution necessarily produced on the system of Indian government and finance.

The China Trade is to be opened: reason requires this—public opinion requires it The Government of the Duke of Wellington

telt the necessity as strongly as the Government of Lord Grey. No Minister, Whig or Tory, could have been found to propose a renewal of the monopoly ; no parliament, reformed or unreformed, would have listened to such a proposal. But though the opening of the trade was a matter concerning which the public had long made up its mind, the political consequences which necessarily follow from the opening of the trade, seem to me to be even now little understood. The language which I have heard in almost every circle where the subject was discussed was this: "Take away the monopoly, and leave the government of India to the Company," a very short and convenient way of settling one of the most complicated questions that ever a Legislature had to consider. The hon. member for Sheffield, though not disposed to retain the Company as an organ of government, has repeatedly used language which proves that he shares in the general misconception. The fact is, that the abolition of the monopoly rendered it absolutely necessary to make a fundamental change in the constitution of that great Corporation.

The Company had united in itself two characters : the character of trader and the character of sovereign. Between the trader and the sovereign there was a long and complicated account, almost every item of which furnished matter for litigation. While the monopoly continued, indeed, litigation was averted. The effect of the monopoly was, to satisfy the claims both of commerce and of territory, at the expense of a third party—the English people ; to secure on the one hand funds for the dividend of the stock-holder, and on the other hand, funds for the government of the Indian Empire, by means of a heavy tax on the tea consumed in this country. But when the third party would no longer bear this charge, all the great financial questions which had, at the cost of that third party, been kept in abeyance, were opened in an instant. The connexion between the Company in its mercantile capacity, and the same Company in its political capacity, was dissolved. The sove-



reign and the trader, from partners, became litigants. Even if the Company were permitted, as has been suggested, to govern India and at the same time to trade with China, it would make no advances from the profits of its Chinese trade for the support of its Indian government. It was in consideration of its exclusive privilege, that it had hitherto been required to make those advances;—it was by the exclusive privilege that it had been enabled to make them. When that privilege was taken away, it would be unreasonable in the Legislature to impose such an obligation, and impossible for the Company to fulfil it. The whole system of loans from commerce to territory, and repayments from territory to commerce, must cease. Each party must rest altogether on its own resources. It was, therefore, absolutely necessary to ascertain what resources each party possessed, to bring the long and intricate account between them to a close, and to assign to each a fair portion of assets and liabilities. There was vast property. How much of that property was applicable to purposes of state? How much was applicable to a dividend? There were debts to the amount of many millions. Which of these were the debts of the government that ruled at Calcutta? Which of the great mercantile house that bought tea at Canton? Were the creditors to look to the land revenues of India for their money; or were they entitled to put executions into the warehouses behind Bishopsgate-street?

There were two ways of settling these questions—adjudication, and compromise. The difficulties of adjudication were great—I think insuperable. Whatever acuteness and diligence could do, has been done. One person in particular whose talents and industry peculiarly fitted him for such investigations, and of whom I can never think without regret, Mr. Villiers, devoted himself to the examination with an ardour and a perseverance which, I believe, shortened a life most valuable to his country and to his friends. The assistance of the most skilful accountants has

been called in. But the difficulties are such as no accountant, however skilful, could possibly remove. The difficulties are not arithmetical, but political. They arise from the constitution of the Company, from the long and intimate union of the commercial and imperial characters in one body. Suppose that a gentleman who is the treasurer of a charity, were to mix up the money which he receives on account of the charity with his own private rents and dividends, to pay the whole into his bank to his own private account, to draw it out again by checks in exactly the same form when he wants it for his private expenses, and when he wants it for the purposes of his public trust. Suppose that he were to continue to act thus till he was himself ignorant whether he were in advance or in arrear; and suppose that many years after his death a question were to arise whether his estate were in debt to the charity or the charity in debt to his estate. Such is the question which is now before us—with this important difference: that the accounts of an individual could not be in such a state unless he had been guilty of fraud, or of that *crassa negligentia* which is scarcely less culpable than fraud, and that the accounts of the Company were brought into this state by circumstances of a very peculiar kind—by circumstances unparalleled in the history of the world.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its object; but in order to enable it to pursue that object, it had been, like the other Indian Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than 120 years ago, it was in miniature precisely what it now is. It was intrusted with the very highest prerogatives of sovereignty. It had its forts and its white captains, and its black sepoys—it had its civil and criminal tribunals—it was authorised to proclaim Martial-law—it sent ambassadors to the native governments, and concluded treaties with them—it was Zemindar of several districts, and

within those districts, like other Zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was first a great trader and a petty prince. Its political functions at first attracted little notice, because they were merely auxiliary to its commercial functions. Soon, however, they became more and more important. The Zemindar became a great nabob, became sovereign of all India—the 200 sepoy became 200,000. This change was gradually wrought, and was not immediately comprehended. It was natural, that while the political functions of the Company were merely auxiliary to its commerce, its political accounts should be mixed up with its commercial accounts. It was equally natural, that when once this mode of keeping accounts had been commenced, it should go on; and the more so, as the change in the situation of the Company, though rapid, was not sudden. It is impossible to fix on any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion to fix on the year 1765, the year in which the Company received from the Mogul a Commission authorising them to administer the revenues of Bengal, Bahar, and Orissa, as the precise date of their sovereignty. I am utterly at a loss to understand why this period should be selected. Long before 1765 the Company had the reality of political power. Long before that year, they made a nabob of Arcot; they made and unmade nabobs of Bengal; they humbled the vizier of Oude; they braved the emperor of Hindostan himself. More than half the revenues of Bengal, as Lord Clive stated, were under one pretence or another administered by them. And after the grant, the Company was not, in form and name, an independent power. It was merely a minister of the Court of Delhi. Its coinage bore the name of Shah Alum. The inscription which, till the time of Lord Hastings, appeared on



the seal of the Governor-General, declared that great functionary to be the slave of the Mogul. Even to this day, we have never formally deposed the king of Delhi. The Company contents itself with being Mayor of the palace, while the *roi fainéant* is suffered to play at being a sovereign. In fact, it was considered, both by Lord Clive and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or nonentities, just as might be most convenient.

Thus the transformation of the Company from a trading body, which possessed some sovereign prerogatives for the purposes of trade, into a sovereign body, the trade of which was auxiliary to its sovereignty, was effected by degrees, and under disguise. It is not strange, therefore, that its mercantile and political transactions should be entangled together in inextricable complication. The commercial investments had been purchased out of the revenues of the empire. The expenses of war and government had been defrayed out of the profits of the trade. Commerce and territory had contributed to the improvement of the same spot of land, to the repairs of the same building. Securities had been given in precisely the same form, for money which had been borrowed for purposes of State, and for money which had been borrowed for purposes of traffic. It is easy, indeed,—and this is a circumstance which has, I think, misled some Gentlemen,—it is easy to see what part of the assets of the Company appears in a commercial form, and what part appears in a political or territorial form. But this is not the question. Assets which are commercial in form, may be territorial as respects the right of property; assets which are territorial in form, may be commercial as respects the right of property. A chest of tea is not necessarily commercial property; it may have been bought out of the territorial revenue. A fort is not necessarily territorial property; it may stand on ground which the Company bought 100 years ago out of their commercial profits,

Adjudication, if by adjudication be meant decision according to some known rule of law, was out of the question. To leave matters like these to be determined by the ordinary maxims of our civil jurisprudence would have been the height of absurdity and injustice. For example, the home-bond debt of the Company, it is believed, was incurred partly for political, and partly for commercial purposes. But there is no evidence which would enable us to assign to each branch its proper share. The bonds all run in the same form; and a Court of Justice would, therefore, of course either lay the whole burthen on the proprietors, or lay the whole on the territory. We have legal opinions, very respectable legal opinions, to the effect that in strictness of law, the territory is not responsible, and that the commercial assets are responsible for every farthing of the debts which were incurred for the government and defence of India. But, though this may be, and I believe, is law, it is, I am sure, neither reason nor justice. On the other hand, it is urged by the advocates of the Company, that some valuable portions of the territory are the property of that body in its commercial capacity; that Calcutta, for example, is their private estate, though they have, during many years, suffered its revenues to merge in the general revenues of their empire, that they hold the island of Bombay, in free and common socage, as of the Manor of East Greenwich. I will not pronounce any opinion on these points. I have considered them enough to see, that there is quite difficulty enough in them to exercise all the ingenuity of all the lawyers in the kingdom for twenty years. But the fact is, Sir, that the municipa law was not made for controversies of this description. The existence of such a body as this gigantic corporation—this political monster of two natures—subject in one hemisphere, sovereign in another—had never been contemplated by the Legislators or Judges of former ages. Nothing but grotesque absurdity and atrocious injustice could have been the effect, if the claims and liabilities of such a body had been settled according to

the rules of Westminster Hall—if the maxims of conveyancers had been applied to the titles by which flourishing cities and provinces are held, or the maxims of the law-merchant to those promissory notes which are the securities for a great National Debt, raised for the purpose of exterminating the Pindarrees, and humbling the Burmese.

It was, as I have said, absolutely impossible to bring the question between commerce and territory to a satisfactory adjudication; and, I must add, that, even if the difficulties which I have mentioned could have been surmounted—even if there had been reason to hope that a satisfactory adjudication could have been obtained—I should still have wished to avoid that course. I think it desirable that the Company should continue to have a share in the government of India; and it would evidently have been impossible, pending a litigation between commerce and territory, to leave any political power to the Company. It would clearly have been the duty of those who were charged with the superintendence of India, to be the patrons of India throughout that momentous litigation, to scrutinize with the utmost severity, every claim which might be made on the Indian revenues, and to oppose with energy and perseverance, every such claim, unless its justice were manifest. If the Company was to be engaged in a suit for many millions, in a suit which might last for many years, against the Indian territory, could we intrust the Company with the government of that territory? Could we put the plaintiff in the situation of *prochain ami* of the defendant? Could we appoint governors who would have had an interest opposed in the most direct manner to the interest of the governed, whose stock would have been raised in value by every decision which added to the burthens of their subjects, and depressed by every decision which diminished those burthens? It would be absurd to suppose that they would efficiently defend our Indian Empire against the claims which they were themselves bringing against it; and it would be



equally absurd to give the government of the Indian empire at such a conjuncture to those who could not be trusted to defend it.

Seeing, then, that it was most difficult, if not wholly impossible, to resort to adjudication between commerce and territory—seeing, that if recourse were had to adjudication, it would be necessary to make a complete revolution in the whole constitution of India—the Government proposed a compromise. That compromise, with some modifications which did not, in the slightest degree, affect its principle, and which, while they gave satisfaction to the Company, will eventually lay no additional burthen on the territory, has been accepted. It has, like all other compromises, been loudly censured by violent partisans on both sides. It has been represented by some as far too favourable to the Company, and by others as most unjust to the Company. Sir, I own that we cannot prove that either of these accusations is unfounded. It is of the very essence of our case that we should not be able to show, that we have assigned, either to commerce or to territory, its precise due. For our principal reason for recommending a compromise was our full conviction that it was absolutely impossible to ascertain with precision what was due to commerce, and what was due to territory. It is not strange that some people should accuse us of robbing the Company, and others of conferring a vast boon on the Company, at the expense of India; for we have proposed a middle course, on the very ground that there was a chance of a result much more favourable to the Company than our arrangement, and a chance also of a result much less favourable. If the questions pending between the Company and India had been decided as the ardent supporters of the Company predicted, India would, if I calculate rightly, have paid eleven millions more than she will now have to pay. If those questions had been decided, as some violent enemies of the Company predicted, that great body would have been utterly ruined. The very meaning of compromise is, that each party gives up his chance of complete

success, in order to be secured against the chance of utter failure. And as men of sanguine minds always overrate the chances in their own favour, every fair compromise is sure to be severely censured on both sides. I contend, that in a case so dark and complicated as this, the compromise which we recommend is sufficiently vindicated, if it cannot be proved to be unfair. We are not bound to prove it to be fair. For it would have been unnecessary for us to resort to compromise at all, if we had been in possession of evidence which would have enabled us to pronounce, with certainty, what claims were fair and what were unfair. It seems to me that we have acted with due consideration for every party. The dividend which we give to the proprietors is precisely the same dividend which they have been receiving for forty years, and which they have expected to receive permanently. The price of their stock bears at present the same proportion to the price of other stock which it bore four or five years ago, before the anxiety and excitement which a negotiation for a renewal of their Charter naturally produces, had begun to operate. As to the territory on the other hand, it is true, that if the assets which are now in a commercial form, should not produce a fund sufficient to pay the debts and dividend of the Company, the territory must stand to the loss, and pay the difference. But in return for taking this risk, the territory obtains an immediate release from claims to the amount of many millions. I certainly do not believe that all those claims could have been substantiated; but I know that very able men think differently. And suppose that only one-fourth of the sum demanded had been awarded to the Company, India would have lost more than the largest sum which, as it seems to me, she can possibly lose under the arrangement.

In a pecuniary point of view, therefore, I conceive that we can defend the measure as it affects the territory. But to the territory, the pecuniary question is of secondary importance. If we have made a good pecuniary bargain for India, but a bad political

bargain—if we have saved three or four millions to the finances of that country, and given to it, at the same time, pernicious institutions, we shall, indeed, have been practising a most ruinous parsimony. If, on the other hand, it shall be found that we have added fifty or a hundred thousand pounds a-year to the expenditure of an empire which yields a revenue of twenty millions, but that we have at the same time secured to that empire, as far as in us lies, the blessings of good government, we shall have no reason to be ashamed of our profusion. I hope and believe that India will have to pay nothing. But on the most unfavourable supposition that can be made, she will not have to pay so much to the Company, as she now pays annually to a single state pageant—to the titular Nabob of Bengal, for example, or the titular King of Delhi. What she pays to these nominal princes, who, while they did anything, did mischief, and who now do nothing, she may well submit to pay to her real rulers, if she receives from them, in return, efficient protection, and good legislation.

We come then to the great question. Is it desirable to retain the Company as an organ of government for India? I think that it is desirable. The question is, I acknowledge, beset with difficulties. We have to solve one of the hardest problems in politics. We are trying to make brick without straw—to bring a clean thing out of an unclean—to give a good government to a people to whom we cannot give a free government. In this country—in any neighbouring country—it is easy to frame securities against oppression. In Europe, you have the materials of good government every where ready to your hands. The people are every where perfectly competent to hold some share,—not in every country an equal share—but some share of political power. If the question were, what is the best mode of securing good government in Europe, the merest smatterer in politics would answer—representative institutions. In India, you cannot have representative institutions. Of all the innumerable speculators who



have offered their suggestions on Indian politics, not a single one, as far as I know, however democratical his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions to India. One gentleman, extremely well acquainted with the affairs of our Eastern Empire, a most valuable servant of the Company, and the author of a History of India, which, though certainly not free from faults, is, I think, on the whole, the greatest historical work which has appeared in our language since that of Gibbon—I mean Mr. Mill—was examined on this point. That gentleman is well known to be a very bold and uncompromising politician. He has written strongly—far too strongly, I think, in favour of pure democracy. He has gone so far as to maintain, that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked before the Committee of last year, whether he thought representative government practicable in India, his answer was—“utterly out of the question.” This, then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgment, we cannot introduce these institutions which all our habits—which all the reasonings of European philosophers—which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty. In these circumstances, Sir, it behoves us to be cautious, even to the verge of timidity. The light of political science and of history are withdrawn—we are walking in darkness—we do not distinctly see whither we are going. It is the wisdom of a man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

Some things, however, in the midst of this obscurity, I can see with clearness. I can see, for example, that it is desirable that the authority exercised in this country over the Indian government

should be divided between two bodies—between a minister on a board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England—to be at war with our enemies—to be at peace with our allies—to be protected by the English navy from maritime aggression—to have a portion of the English army mixed with its sepoy—it plainly follows, that the King, to whom the Constitution gives the direction of foreign affairs, and the command of the military and naval forces, ought to have a share in the direction of the Indian government. Yet, on the other hand, that a revenue of twenty millions a year—an army of two hundred thousand men—a civil service abounding with lucrative situations—should be left to the disposal of the Crown without any check whatever, is what no minister, I conceive, would venture to propose. This House is indeed the check provided by the Constitution on the abuse of the Royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India, I altogether deny. We have, as I believe we all feel, quite business enough. If we were to undertake the task of looking into Indian affairs as we look into British affairs—if we were to have Indian budgets and Indian estimates—if we were to go into the Indian currency question and the Indian Bank Charter—if to our disputes about Belgium and Holland, Don Pedro and Don Miguel, were to be added disputes about the debts of the Guicowar and the disorders of Mysore, the ex-king of the Afghans and the Maha-rajah Runjeet Sing—if we were to have one night occupied by the embezzlements of the Benares mint, and another by the panic in the Calcutta money-market—if the questions of Suttee or no Suttee, Pilgrim tax or no Pilgrim tax, Ryotwary or Zemindary, half Batta or whole Batta, were to be debated at the same length at which we have debated Church reform and the assessed taxes, twenty-four hours a day and three hundred and sixty-five days a year would be too short a time for the discharge of our duties. The House, it is plain, has

not the necessary time to settle these matters; nor has it the necessary knowledge, nor has it the motives to acquire that knowledge. The late change in its constitution has made it, I believe, a much more faithful representation of the English people. But it is far as ever from being a representation of the Indian people. A broken head in Cold Bath Fields produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim brought by an individual against the revenues of India. If it had been an English question the walls would scarcely have held the Members who would have flocked to the division. It was an Indian question, and we could scarcely by dint of supplication make a House. Even when my right hon. friend, the President of the Board of Control, made his most able and interesting statement of the measures which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have seen it on a turnpike-bill or a railroad bill.

I then take these things as proved, that the Crown must have a certain authority over India, that there must be an efficient check on the authority of the Crown, and that the House of Commons is not an efficient check. We must then find some other body to perform that important office. We have such a body—the Company. Shall we discard it?

It is true that the power of the Company is an anomaly in politics. It is strange—very strange—that a Joint-stock society of traders—a society, the shares of which are daily passed from hand to hand—a society, the component parts of which are perpetually changing—a society which, judging *à priori* from its constitution, we should have said was as little fitted for imperial functions as the Merchant Tailors' Company or the New River Company—should be intrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the



Executive Government of the United Kingdom. But what constitution can we give to our Indian Empire which shall not be strange—which shall not be anomalous? That Empire is itself the strangest of all political anomalies. That a handful of adventurers from an island in the Atlantic should have subjugated a vast country divided from the place of their birth by half the globe—a country which at no very distant period was merely the subject of fable to the nations of Europe—a country never before violated by the most renowned of Western Conquerors—a country which Trajan never entered—a country lying beyond the point where the phalanx of Alexander refused to proceed;—that we should govern a territory 10,000 miles from us—a territory larger and more populous than France, Spain, Italy, and Germany put together—a territory, the present clear revenue of which exceeds the present clear revenue of any state in the world, France excepted—a territory, inhabited by men, differing from us in race, colour, language, manners, morals, religion;—these are prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are almost useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where every thing is anomaly. It is the strangest of all governments: but it is designed for the strangest of all Empires.

If we discard the Company, we must find a substitute: and take what substitute we may, we shall find ourselves unable to give any reason for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by the King during pleasure would be no check on the Crown; Commissioners appointed by the King or by Parliament for life, would always be appointed by the political party which might be uppermost, and if a change of Administration took place, would harass the new Government with the most vexatious opposition. The plan

suggested by the right hon. Gentleman, the member for Montgomeryshire, is I think the very worst that I have ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being—that their situations would depend on the permanence of that Ministry—that therefore all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power—that they would be subservient while their friends were in, and factious when their friends were out? How would Lord Grey's Ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the Government, and no more than independent—not a tool of the Treasury—not a tool of the opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body. It is, as a corporation, neither Whig nor Tory, neither high-church nor low-church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view, not to English politics but to Indian politics. We have seen the country convulsed by faction. We have seen Ministers driven from office by this House—Parliament dissolved in anger—general elections of unprecedented turbulence—debates of unprecedented interest. We have seen the two branches of the Legislature placed in direct opposition to each other. We have seen the advisers of the Crown dismissed one day, and brought back the next day on the shoulders of the people. And amidst all these agitating events the Company has preserved strict

and unsuspected neutrality. This is, I think, an inestimable advantage; and it is an advantage which we must altogether forego, if we consent to adopt any of the schemes which I have heard proposed on the other side of the House.

We must judge of the Indian government, as of all other governments, by its practical effects. According to the hon. member for Sheffield, India is ill-governed; and the whole fault is with the Company. Innumerable accusations, great and small, are brought by him against their administration. They are fond of war. They are fond of dominion. The taxation is burthensome. The laws are undigested. The roads are rough. The post goes on foot. And for everything the Company is answerable. From the dethronement of the Mogul princes to the mishaps of Sir Charles Metcalfe's courier, every disaster that has taken place in the East during sixty years is laid to the charge of this unfortunate Corporation. And the inference is, that all the power which they possess ought to be taken out of their hands, and transferred at once to the Crown.

Now, Sir, it seems to me that for all the evils which the hon. Gentleman has so pathetically recounted, the Ministers of the Crown are as much to blame as the Company—nay, much more so. For the Board of Control could, without the consent of the Directors, have redressed those evils; and the Directors most certainly could not have redressed them without the consent of the Board of Control. Take the case of that frightful grievance which seems to have made the deepest impression on the mind of the hon. Gentleman—the slowness of the mail. Why, Sir, if my right hon. friend, the President of our Board, thought fit, he might direct me to write to the Court and require them to frame a dispatch on that subject. If the Court disobeyed, he might himself frame a dispatch ordering Lord William Bentinck to put the dawks all over Bengal on horseback. If the Court refused to send out this dispatch, the Board could apply to the King's Bench



for a mandamus. If, on the other hand, the Directors wished to accelerate the journeys of the mail, and the Board were adverse to the project, the Directors could do nothing at all. For all measures of internal policy the servants of the King are at least as deeply responsible as the Company. For all measures of foreign policy the servants of the King, and they alone, are responsible. I was surprised to hear the hon. Gentleman accuse the Directors of insatiable ambition and rapacity, when he must know that no act of aggression on any native state can be committed by the Company without the sanction of the Board, and that, in fact, the Board has repeatedly approved of warlike measures, which were strenuously opposed by the Company. He must know, in particular, that, during the energetic and splendid Administration of the Marquess Wellesley, the Company was all for peace, and the Board all for conquest. If a line of conduct which the hon. Gentleman thinks unjustifiable, has been followed by the Ministers of the Crown in spite of the remonstrances of the Directors, this is surely a strange reason for turning off the Directors, and giving the whole power unchecked to the Crown.

The hon. Member tells us that India, under the present system, is not so rich and flourishing as she was 200 years ago. Really, Sir, I doubt whether we are in possession of sufficient data to enable us to form a judgment on that point. But the matter is of little importance. We ought to compare India under our Government, not with India under Acbar and his immediate successors, but with India as we found it. The calamities through which that country passed during the interval between the fall of the Mogul power and the establishment of the English supremacy were sufficient to throw the people back whole centuries. It would surely be unjust to say, that Alfred was a bad king because Britain, under his government, was not so rich or so civilized as in the time of the Romans.

What state, then, did we find India? And what have we

made India? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would perhaps be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe, like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of its internal administration, and under the assaults of barbarous invaders. At Delhi, as at Ravenna, there was a mock sovereign, a mere pageant immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some new combination, which the next moment dissolved. In the course of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies, treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed, by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within; by the robber from whom the Nabob was unable

to protect them, by the Nabob who took whatever the robber had left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in the imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilization of an earlier age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process—the reconstruction of a decomposed society. Two generations have passed away; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

It is true, that the early history of this great revolution is chequered with guilt and shame. It is true that the founders of our Indian empire too often abused the strength which they derived from superior energy and superior knowledge. It is true that with some of the highest qualities of the race from which they sprang, they combined some of the worst defects of the race over which they ruled. How should it have been otherwise? Born in humble stations, accustomed to earn a slender maintenance by obscure industry, they found themselves transformed in a few months from clerks drudging over desks, or captains in marching regiments, into statesmen and generals, with armies at their command, with the revenues of kingdoms at their disposal, with



power to make and depose sovereigns at their pleasure. They were what it was natural that men should be who had been raised by so rapid an ascent to so dizzy an eminence, profuse and rapacious, imperious and corrupt.

It is true, then, that there was too much foundation for the representations of those satirists and dramatists who held up the character of the English Nabob to the derision and hatred of a former generation. It is true that some disgraceful intrigues, some unjust and cruel wars, some instances of odious perfidy and avarice stain the annals of our Eastern empire. It is true that the duties of government and legislation were long wholly neglected or carelessly performed. It is true that when the new rulers at length began to apply themselves in earnest to the discharge of their high functions, they committed the errors natural to rulers who were but imperfectly acquainted with the language and manners of their subjects. It is true that some measures, which were dictated by the purest and most benevolent feelings, have not been attended by the desired success. It is true that India suffers to this day from a heavy burthen of taxation, and from a defective system of law. It is true, I fear, that in those states which are connected with us by subsidiary alliance, all the evils of oriental despotism have too frequently shown themselves in their most loathsome and destructive form.

All this is true. Yet in the history and in the present state of our Indian empire I see ample reason for exultation and for a good hope.

I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan empire, and which, a century ago, kept all India in constant agitation, have been quelled by one overwhelming power. I see that the predatory tribes who, in the middle of the last century, passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed

before the valour of a braver and sterner race—have been vanquished, scattered, hunted to their strongholds, and either exterminated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I look back for many years; and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent states. I see confidence gradually infused into the minds of suspicious neighbours. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency, such as I should seek in vain in the annals of any other victorious and dominant nation. I see captive tyrants, whose treachery and cruelty might have excused a severe retribution, living in security, comfort, and dignity, under the protection of the government which they laboured to destroy.

I see a large body of civil and military functionaries resembling in nothing but capacity and valour those adventurers who seventy years ago came hither, laden with wealth and infamy, to parade before our fathers the plundered treasures of Bengal and Tanjore. I reflect with pride that to the doubtful splendour which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Monro. I observe with reverence and delight the honourable poverty which is the evidence of a rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy Zemindars, after residing at the Courts of tributary Kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognize a paternal feeling towards the great people

committed to its charge. I see toleration strictly maintained. Yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe, beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils ; but I see the government actively employed in the work of remedying those evils. The taxation is heavy ; but the work of retrenchment is unsparingly pursued. The mischiefs arising from the system of subsidiary alliance are great ; but the rulers of India are fully aware of those mischiefs, and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting a native government, they interfere also for the purpose of reforming it.

Seeing these things, then, am I prepared to discard the Company as an organ of government ? I am not. Assuredly I will never shrink from innovation where I see reason to believe that innovation will be improvement. That the present Government does not shrink from innovations which it considers as improvements, the measure now before the House sufficiently shows. But surely the burthen of the proof lies on the innovators. They are bound to lay some ground ; to show that there is a fair probability of obtaining some advantage before they call upon us to take up the foundations of the Indian government. I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better Council ; find me a better constituent body ; and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company ; and most of them I could, I think easily prove to be worse, Circum-



stances might force us to hazard a change. If the Company were to refuse to accept of the government unless we would grant pecuniary terms which I thought extravagant, or unless we gave up the clauses in this Bill which permit Europeans to hold landed property, and natives to hold office, I would take them at their word. But I will not discard them in the mere rage of experiment.

Do I call the government of India a perfect government? Very far from it. No nation can be perfectly well governed till it is competent to govern itself. I compare the Indian government with other governments of the same class, with despotisms, with military despotisms, with foreign military despotisms; and I find none that approaches it in excellence. I compare it with the government of the Roman provinces—with the government of the Spanish colonies—and I am proud of my country and my age. Here are a hundred millions of people under the absolute rule of a few strangers, differing from them physically—differing from them morally—mere Mamelukes, not born in the country which they rule, not meaning to lay their bones in it. If you require me to make this government as good as that of England, France, or the United States of America, I own frankly that I can do no such thing. Reasoning *à priori*, I should have come to the conclusion that such a government must be a horrible tyranny. It is a source of constant amazement to me that it is so good as I find it to be. I will not, therefore, in a case in which I have neither principles nor precedents to guide me, pull down the existing system on account of its theoretical defects. For I know that any system which I could put in its place would be equally condemned by theory, while it would not be equally sanctioned by experience.

Some change in the constitution of the Company was, as I have shown, rendered inevitable by the opening of the China Trade; and it was the duty of the Government to take care that the change should not be prejudicial to India. There were many

ways in which the compromise between commerce and territory might have been effected. We might have taken the assets, and paid a sum down, leaving the Company to invest that sum as they chose. We might have offered English security with a lower interest. We might have taken the course which the late Government designed to take. We might have left the Company in possession of the means of carrying on its trade in competition with private merchants. My firm belief is, that, if this course had been taken, the Company must, in a very few years, have abandoned the trade or the trade would have ruined the Company. It was not, however, solely or principally by regard for the interest of the Company, or of the English merchants generally, that the Government was guided on this occasion. The course which appeared to us the most likely to promote the interests of our Eastern Empire was to make the proprietors of India stock creditors of the Indian territory. Their interest will thus be in a great measure the same with the interest of the people whom they are to rule. Their income will depend on the revenues of their empire. The revenues of their empire will depend on the manner in which the affairs of that empire are administered. We furnish them with the strongest motives to watch over the interests of the cultivator and the trader, to maintain peace, to carry on with vigour the work of retrenchment, to detect and punish extortion and corruption. Though they live at a distance from India—though few of them have ever seen or may ever see the people whom they rule—they will have a great stake in the happiness of their subjects. If their misgovernment should produce disorder in the finances, they will themselves feel the effects of that disorder in their own household expenses. I believe this to be, next to a representative constitution, the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have, therefore, I think, given her the best constitution of which she is capable.

One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men; and, in that body, as in every large body, there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so high in England, that intelligence is so generally diffused through England, that young persons who are taken from the mass of society, by favour and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true, that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country, is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider too, Sir, how rapidly the public mind of India is advancing, how much attention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends. Surely, under such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the Magistracies of our Eastern Empire with men who may do honour to their country—with men who may represent the best part of the English nation. This, Sir, is our object; and we believe, that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate elected by examination. We conceive that, under this system, the persons sent out will be young men above par—young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek, and in mathematics, are no tests



of what men will prove to be in life. I am perfectly aware, that they are not infallible tests; but that they are tests I confidently maintain. Look at every walk of life—at this House—at the other House—at the Bar—at the Bench—at the Church—and see whether it be not true, that those who attain high distinction in the world are generally men who were distinguished in their academic career. Indeed, Sir, this objection would prove far too much even for those who use it. It would prove, that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty, a man who has neglected his studies were exactly on a par with a man who has applied himself to them—exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages—whatever be the sciences, which it is, in any age or country, the fashion to teach, those who become the greatest proficient in those languages and those sciences, will generally be the flower of the youth—the most acute—the most industrious—the most ambitious of honourable distinctions. If the Ptolemaic system were taught at Cambridge, instead of the Newtonian, the senior wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek, we learned the Cherokee, the man who understood the Cherokee best, who made the most correct and melodious Cherokee verses—who comprehended most accurately the effect of the Cherokee particles—would generally be a superior man to him who was destitute of these accomplishments. If astrology were

taught at our Universities, the young man who cast nativities best would generally turn out a superior man. If alchymy were taught, the young man who showed most activity in the pursuit of the philosopher's stone would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too much attention is paid in the education of English gentleman to the dead languages, I conceive, that when you are choosing young men to fill situations for which the very first and most indispensable qualification is familiarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of procuring fair examinations. I am quite sure, that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologize for even noticing an objection so frivolous.

Next to the opening of the China trade, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed. In this measure there are undoubtedly very great advantages. The chief advantage is, I think, the improvement which the minds of our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation. I cannot deny, however, that the advantages of this great change are attended with some danger.

The danger is that the new comers, belonging to the ruling nation, resembling in colour, in language, in manners, those who hold supreme military and political power, and differing in all these respects from the great mass of the population, may consider themselves as a superior class, and may trample on the indigenous race. Hitherto there have been strong restraints on Europeans resident in India. Licences were not easily obtained. Those residents who were in the service of the Company had obvious

motives for conducting themselves with propriety. If they incurred the serious displeasure of the Government, their hopes of promotion were blighted. Even those who were not in the public service, were subject to the formidable power which the Government possessed of banishing them at its pleasure.

The licence of the Government will now no longer be necessary to persons who desire to reside in the settled provinces of India. The power of arbitrary deportation is withdrawn. Unless, therefore, we mean to leave the natives exposed to the tyranny and insolence of every profligate adventurer who may visit the East, we must place the European under the same power which legislates for the Hindoo. No man loves political freedom more than I. But a privilege, enjoyed by a few individuals in the midst of a vast population who do not enjoy it, ought not to be called freedom. It is tyranny. In the West Indies I have not the least doubt that the existence of the Trial by Jury and of Legislative Assemblies has tended to make the condition of the slaves worse than it would otherwise have been. Or, to go to India itself for an instance, though I fully believe that a mild penal code is better than a severe penal code, the worst of all systems was surely that of having a mild code for the Brahmins, who sprang from the head of the Creator, while there was a severe code for the Sudras, who sprang from his feet. India has suffered enough already from the distinction of castes, and from the deeply rooted prejudices which those distinctions have engendered. God forbid that we should inflict on her the curse of a new caste, that we should send her a new breed of Brahmins, authorized to treat all the native population as Pariahs.

With a view to the prevention of this evil, we propose to give to the supreme government the power of legislating for Europeans as well as for natives. We propose that the regulations of the Government shall bind the King's Court as they bind all other Courts, and that registration by the Judges of the King's Court



shall no longer be necessary to give validity to those regulations within the towns of Calcutta, Madras, and Bombay.

I could scarcely, Sir, believe my ears when I heard this part of our plan condemned in another place. I should have thought, that it would have been received with peculiar favour in that quarter where it has met with the most severe condemnation. What, at present, is the case? If the Supreme Court and the Government differ on a question of jurisdiction, or of legislation within the towns which are the seats of Government, there is absolutely no umpire but the Imperial Parliament. The device of putting one wild elephant between two tame ones was ingenious; but it may not always be practicable. Suppose a tame elephant between two wild ones, or suppose, that the whole herd should run wild together. The thing is not without example. And is it not most unjust and ridiculous that on one side of a ditch the edict of the Governor General should have the force of law, and that on the other side it should be of no effect unless registered by the Judges of the Supreme Court? If the registration be a security for good legislation, we are bound to give that security to all classes of our subjects. If the registration be not a security for good legislation, why require it? Why give it to a million of them, and withhold it from the other ninety-nine millions? Is the system good? Extend it. Is it bad? Abolish it. But in the name of common sense do not leave it as it is. It is as absurd as our old law of sanctuary. The system of imprisonment for debt may be good or bad. But no man in his senses can approve of the ancient system under which a debtor who might be arrested in Fleet Street was safe as soon as he had scampered into Whitefriars. Just in the same way, doubts may fairly be entertained about the expediency of allowing four or five persons to make laws for India; but to allow them to make laws for all India without the Marhatta ditch, and to except Calcutta, is the height of absurdity.

I say, therefore, either enlarge the power of the Supreme Court

and give it a general veto on laws, or enlarge the power of the Government, and make its regulations binding on all Courts without distinction. The former course no person has ventured to propose. To the latter course objections have been made,—but objections which to me, I must own, seem altogether frivolous. It is acknowledged, that of late years inconvenience has arisen from the relation in which the Supreme Court stands to the Government.

But, it is said, that Court was originally instituted for the protection of natives against Europeans. The wise course would, therefore, be to restore its original character.

Now, Sir, the fact is, that the Supreme Court has never been so mischievous as during the first ten years of its power, or so respectable as it has lately been. Everybody who knows anything of its early history knows, that for a considerable time after its institution, it was the terror of Bengal, the scourge of native informants, the screen of European delinquents, a convenient tool of the Government for all purposes of evil, an insurmountable obstacle to the Government in all undertakings for the public good;—that its proceedings were made up of pedantry, cruelty, and corruption;—that its disputes with the Government were at one time on the point of breaking up the whole fabric of society; and that a convulsion was averted only by the dexterous policy of Warren Hastings, who at last bought off the opposition of the Chief Justice for £8,000 a-year. It is notorious, that while the Supreme Court opposed Hastings in all his best measures, it was a thorough-going accomplice in his worst—that it took part in the most scandalous of those proceedings which fifty years ago roused the indignation of Parliament and of the country—that it assisted in the spoliation of the princesses of Oude—that it passed sentence of death on Nuncomar. And this is the Court which we are to restore from its present state of degeneracy to its original purity. This is the protection which we are to give to the natives against the Europeans. Sir, so far is it from being true that the

character of the Supreme Court has deteriorated, that it has, perhaps, improved more than any other institution in India. But the evil lies deep in the nature of the institution itself. The Judges have in our time deserved the greatest respect. Their judgment and integrity have done much to mitigate the vices of the system. The worst charge that can be brought against any of them is that of pertinacity—disinterested, conscientious pertinacity—in error. The real evil is in the state of the law. You have two supreme powers in India. There is no arbitrator except a Legislature ten thousand miles off. Such a system is in the face of it an absurdity in politics. My wonder is, not that this system has several times been on the point of producing fatal consequences to the peace and resources of India,—these, I think, are the words in which Warren Hastings describes the effect of the contest between his Government and the Judges—but that it has not actually produced such consequences. The most distinguished members of the Indian Government—the most distinguished Judges of the Supreme Court—call upon you to reform this system. Sir Charles Metcalfe, Sir Charles Grey, represent with equal urgency the expediency of having one single paramount council armed with legislative power. The admission of Europeans to India renders it absolutely necessary not to delay our decision. The effect of that admission would be to raise a hundred questions—to produce a hundred contests between the council and the judicature. The Government would be paralysed at the precise moment at which all its energy was required. While the two equal powers were acting in opposite directions, the whole machine of the state would stand still. The Europeans would be uncontrolled; the natives would be unprotected. The consequences I will not pretend to foresee. Every thing beyond is darkness and confusion.

Having given to the Government supreme legislative power, we next propose to give to it for a time the assistance of a Commission for the purpose of digesting and reforming the laws of India, so



that those laws may, as soon as possible, be formed into a code. Gentlemen of whom I wish to speak with the highest respect, have expressed a doubt whether India be at present in a fit state to receive a benefit which is not yet enjoyed by this free and highly civilized country. Sir, I can allow to this argument very little weight beyond that which it derives from the personal authority of those who use it. For, in the first place, our freedom and our high civilization render this improvement, desirable as it must always be, less indispensably necessary to us than to our Indian subjects: and in the next place our freedom and civilization, I fear, render it far more difficult for us to obtain this benefit for ourselves than to bestow it on them.

I believe that no country ever stood so much in need of a code of laws as India, and I believe also that there never was a country in which the want might so easily be supplied. I said, that there were many points of analogy between the state of that country after the fall of the Mogul power, and the state of Europe after the fall of the Roman empire. In one respect the analogy is very striking. As in Europe then, so in India now, there are several systems of law widely differing from each other, but co-existing and co-equal. The indigenous population has its own laws. Each of the successive races of conquerors has brought with it its own peculiar jurisprudence: the Mussulman his Koran and its innumerable commentators—the Englishman his Statute-Book and his Term Reports. As there were established in Italy, at one and the same time, the Roman law, the Lombard law, the Riparian law, the Bavarian law, and the Salic law, so we have now in our Eastern empire Hindoo law, Mahometan law, Parsee law, English law, perpetually mingling with each other, and disturbing each other; varying with the person, varying with the place. In one and the same cause the process and pleadings are in the fashion of one nation, the judgment is according to the laws of another. An issue is evolved according to the rules of Westminster, and decided according to

those of Benares. The only Mahometan book in the nature of a code is the Koran ;—the only Hindoo book the Institutes. Every body who knows those books, knows that they provide for a very small part of the cases which must arise in every community. All beyond them is comment and tradition. Our regulations in civil matters do not define rights; they merely establish remedies. If a point of Hindoo law arises, the Judge calls on the Pundit for an opinion. If a point of Mahometan law arises, the Judge applies to the Cauzee. What the integrity of these functionaries is, we may learn from Sir William Jones. That eminent man declared, that he could not answer it to his conscience to decide any point of law on the faith of a Hindoo expositor. Sir Thomas Strange confirms this declaration. Even if there were no suspicion of corruption on the part of the interpreters of the law, the science which they profess is in such a state of confusion that no reliance can be placed on their answers. Sir Francis Macnaghten tells us, that it is a delusion to fancy that there is any known and fixed law under which the Hindoo people live; that texts may be produced on any side of any question; that expositors equal in authority perpetually contradict each other; that the obsolete law is perpetually confounded with the law actually in force, and that the first lesson to be impressed on a functionary who has to administer Hindoo law is, that it is vain to think of extracting certainty from the books of the jurists. The consequence is, that in practice the decisions of the tribunals are altogether arbitrary. What is administered is not law, but a kind of rude and capricious equity. I asked an able and excellent Judge lately returned from India how one of our Zillah Courts would decide several legal questions of great importance—questions not involving considerations of religion or of caste—mere questions of commercial law. He told me, that it was a mere lottery. He knew how he should himself decide them. But he knew nothing more. I asked a most distinguished civil servant of the Company, with reference to the clause in this

Act abolishing slavery, whether at present if a dancing girl ran away from her master, the Judge would force her to go back. "Some Judges," he said, "send a girl back; others set her at liberty. The whole is a mere matter of chance. Every thing depends on the temper of the individual judge."

Even in this country, we have had complaints of judge-made law; even in this country, where the standard of morality is higher than in almost any other part of the world—where, during several generations, not one depositary of our legal traditions has incurred the suspicion of personal corruption—where there are popular institutions—where every decision is watched by a shrewd and learned audience—where there is an intelligent and observant public—where every remarkable case is fully reported in a hundred newspapers—where, in short, there is every thing which can mitigate the evils of such a system. But judge-made law, where there is an absolute government and a lax morality—where there is no bar and no public—is a curse and a scandal not to be endured. It is time that the Magistrate should know what law he is to administer—that the subject should know under what law he is to live. We do not mean that all the people of India should live under the same law: far from it: there is not a word in the Bill—there was not a word in my right hon. friend's speech—susceptible of such an interpretation. We know how desirable that object is; but we also know that it is unattainable. We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them, let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply this—uniformity where you can have it—diversity where you must have it—but in all cases certainty.



As I believe that India stands more in need of a code than any other country in the world, I believe also that there is no country on which that great benefit can more easily be conferred. A code is almost the only blessing—perhaps it is the only blessing which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence, is far more easily performed, and far better performed, by few minds than by many—by a Napoleon than by a Chamber of Deputies and a Chamber of Peers—by a government like that of Prussia or Denmark, than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large popular assembly divided, as such assemblies almost always are, into adverse factions. This seems to me, therefore, to be precisely that point of time at which the advantage of a complete written code of laws may most easily be conferred on India. It is a work which cannot be well performed in an age of barbarism—which cannot without great difficulty be performed in an age of freedom. It is the work which especially belongs to a government like that of India—to an enlightened and paternal despotism.

I have detained the House so long, Sir, that I will defer what I had to say on some parts of this measure—important parts, indeed, but far less important, as I think, than those to which I have adverted, till we are in Committee. There is, however, one part of the Bill on which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames, by men of selfish hearts and contracted minds—at the risk of being called a philosopher—

I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told, that we are bound to confer on our subjects—every benefit which they are capable of enjoying?—no—which it is in our power to confer on them?—no—but which we can confer on them without hazard to our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality.

I am far, very far, from wishing to proceed hastily in this most delicate matter. I feel that, for the good of India itself, the admission of natives to high office must be effected by slow degrees. But that, when the fulness of time is come, when the interest of India requires the change, we ought to refuse to make that change lest we should endanger our own power; this is a doctrine which I cannot think of without indignation. Governments, like men, may buy existence too dear. "*Propter vitam vivendi perdere causas,*" is a despicable policy either in individuals or in states. In the present case, such a policy would be not only despicable, but absurd. The mere extent of empire is not necessarily an advantage. To many governments it has been cumbersome: to some it has been fatal. It will be allowed by every statesman of our time, that the prosperity of a community is made up of the prosperity of those who compose the community, and that it is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European

civilization among the vast population of the East. It would be, on the most selfish view of the case, far better for us that the people of India were well governed and independent of us, than ill governed and subject to us—that they were ruled by their own kings, but wearing our broadcloth, and working with our cutlery, than that they were performing their salams to English collectors and English Magistrates, but were too ignorant to value, or too poor to buy, English manufactures. To trade with civilized men is infinitely more profitable than to govern savages. That would, indeed, be a doting wisdom, which, in order that India might remain a dependency, would make it an useless and costly dependency—which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves.

It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the pousta, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into a helpless idiot. The detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It is no model for the English nation. We shall never consent to administer the pousta to a whole community—to stupify and paralyse a great people whom God has committed to our charge for the wretched purpose of rendering them more amenable to our control. What is that power worth which is founded on vice, on ignorance, and on misery—which we can hold only by violating the most sacred duties which as governors we owe to the governed—which as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by three thousand years of despotism and priestcraft? We are free,



we are civilized, to little purpose, if we grudge to any portion of the human race an equal measure of freedom and civilization.

Are we to keep the people of India ignorant in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative, by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us: and it is also the path of wisdom, of national prosperity, of national honour.

The destinies of our Indian empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government, that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no

reverses. There is an empire exempt from all natural causes of decay. These triumphs are the pacific triumphs of reason over barbarism ; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

## MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.\*

JULY 24, 1833.

HE rose with feelings of regret upon the present occasion. Though he had taken no part in the discussion upon this Bill, yet there was no one who had with more patience watched, or with greater anxiety attended to, the provisions of a measure, which he could not but consider to contain a great mixture of good and evil. He should now express his opinions upon this Bill in general, and particularly on those parts in which Amendments had been introduced, and to which the hon. Member (Mr. Fowell Buxton) had referred. He should discharge his duty, he was afraid, very imperfectly, and he would therefore entreat the House to extend to him that indulgence on the present occasion which he had experienced on former occasions when he had addressed it with less harassed feelings, and more confidence than at present. He had every disposition not only to do the amplest justice to his Majesty's Ministers, but to give them the greatest credit—they, with whom he generally acted—for having framed every part of this measure with the purest and most benevolent intentions, even those parts of which he could not approve. To those parts of which he disapproved, he was anxious to state his objection, but, previous to doing that, he most solemnly disclaimed any unfriendly feeling towards any class of persons whose interests might be concerned in the proposed measure. He hoped that he should be able to prove, that he was not, on the one hand, disposed to

\* Hansard, 3d Series, vol. xix. p. 1202-1209.



sacrifice principle to party, nor on the other, disposed to sacrifice the rights of the planters to popular clamour. Of the three objects which the Bill was intended to effect, the first had his fullest and most unqualified approbation—the abolition of slavery. He believed slavery to be the greatest of political evils; and when he thought of the horrid state of the slave, he sometimes felt ashamed of himself for the enthusiasm he had manifested in removing domestic grievances; such, for example, as the Catholic disabilities. They had seen guilt in many ages and in many countries; but where had they seen guilt in the hideous forms in which it had for so many years been exhibited in the West-India islands? Slavery there had been made to do the work of famine, of pestilence, and of war combined. It had accomplished more than they could accomplish, in putting an end to that disposition to increase and multiply which was manifested by the human race in every other part of the world. There had been fierce and prolonged wars in Europe, but population went on augmenting; and fresh life filled up the chasms caused by such fields as those of Leipzie, Borodino, and Waterloo. Ambition had done all it could to destroy; but it had been assisted by famine and pestilence; but the void which they created was speedily and completely filled up. The law of nature was not counteracted. As soon as the population became thinned by any powerful physical cause, early marriages increased, and the deficiency was soon supplied. In the West-India colonies alone was found a society in which the number of human beings was continually decreasing without the surviving labourers obtaining any advantages. In the West-India colonies a state of society existed unparalleled in the history of the world. Fully believing in the necessity of demolishing slavery, he nevertheless thought, that his Majesty's Government had taken the right course in the Bill which his right hon. friend had introduced. The only fault which he found with that Bill was, that it had a leaning to mitigate an evil which ought to be

demolished altogether. They had made attempts to mitigate slavery on former occasions. They had sent out to the negro a Church Establishment, while they left him to be bought and sold ; but that mitigation was useless. The object of this Bill, he thanked God ! was not a mitigation of that description ; it attacked the foundation of the principle of slavery. Slavery was not a system which could be improved ; it must be annihilated. Slavery was in itself the abuse. The principle of slavery, as Montesquieu had observed, was pure unmixed evil. Terror was the only motive that could operate upon the slave. Terror was the only mode by which the proprietor of the slave could hope to guard his own life or to save his wife and daughters from violation. If they abstracted terror from the system, the whole fabric of slavery was at once destroyed. The introduction of liberty was a new principle, not a mitigation of slavery. To mitigate slavery by introducing liberty, would be to take away the props without supplying pillars. When he heard persons say, that it would be madness immediately to put an end to slavery, and at the same time declare that it was frightful to continue its cruelties, it appeared to him as if they were the most inconsistent of men. He could not comprehend the mitigation of slavery. Its abolition would give the slave a motive for preserving the order by which he was to benefit. In this country where there were no slaves, where the lowest labourer was an intelligent being, we could afford to connive at the violence of a mob ; we could laugh at Political Unions and speeches ; even in cases of actual treason and rebellion we could punish the leaders and pardon their followers ; but in such a country as the West Indies, to tell the masters to be merciful and moderate, was to tell them to submit to butchery. How was it possible that while they gave the negroes religious instruction, in order to educate them as men, they could continue to treat them as brutes ? Of that part of the Bill, therefore, which abolished slavery, he cordially approved. There was

another part of the Bill which he knew was most unpopular—he meant the Compensation Clause—to which, however, he gave his full consent. He regretted that, on this point, he felt it his duty to oppose those with whom he had generally had the happiness to act on this subject; but he was prepared to take his full share of whatever unpopularity might arise from this part of the Bill. He well knew, that there were in this country many excellent persons who detested the principle on which compensation to the planters was founded. It was not with those persons a question of money. They would be quite ready to give the twenty millions or thirty millions, or more, as charity, but they were strongly opposed to giving it as compensation. For his part, he held that the owners of the slaves had a distinct right to this compensation. He did not mean to say, that they had any right as against the slave; and if he had no alternative but to choose between the positions—that slavery should never be abolished, or that the planter should never be compensated, he should have no hesitation in deciding for the latter; for highly as he valued the rights of property, he could never put them in competition with the right of personal liberty. It had been most justly declared, that the property of man in his labour was the origin of all property, and ought to be held most sacred. Therefore, if there must be robbery at all, he would rather rob the planter of his property than the slave of his freedom. But to that alternative he was not reduced. With the question of compensation a slave had nothing to do. The State had solemnly sanctioned the property of the planter. The public faith had been pledged to its maintenance by proclamation, by treaty, by prescription. Could that House consent to violate it? He had heard that it was maintained that the planter ought to receive no compensation, because there ought to be no indemnity for the abandonment of crime. He protested against such a doctrine, as establishing principles that would be most extensively pernicious. He readily admitted, that no contract tending to



crime was binding, and that to condemn men to slavery was criminal. If 100 Acts of Parliament had been passed to establish slavery, and if all the Members of that House had sworn at the Table to maintain slavery, slavery ought nevertheless to be abolished. But that was not the question to be considered. When crime entered into a contract between two parties equally criminal, it could not prevent the execution of the contract as it respected them. If the choice were solely between violating the public faith, or putting an end to slavery, which was a violation of the law of nature, it would be a very different matter; but here there was an alternative; and where there was that alternative, the violation of public faith would be subversive of all public and private morality. He was sorry to detain the House; but the principle was of so much consequence, not only at the present time, but with reference to the future, that he could not refrain from making a few further observations upon it. If they were to violate the public faith pledged to the West-India planter, they would establish a precedent of a most monstrous and injurious character. To illustrate this position, he would take an instance from the commonest life: suppose a Catholic gentleman had ordered an image for the decoration of his chapel to be sculptured by a first-rate artist, and that when, after immense skill and labour, the image was finished, he should say to the artist, "Take it back, since I ordered it my mind has been enlightened; I now believe that the Protestant is the true religion. I therefore consider the contract between you and me as sinful, and I cannot consent to perform my part of it." Would not the argument that would justly be used be: "If you are enlightened, so much the better; but you must pay for the contract into which you entered when you were in a state of darkness?" Or suppose a Mahometan, having three or four wives in his Harem, were to embrace Christianity, would he be entitled to break his contract with them, turn them all out into the world, and leave them to starve? Or,

in the case of a lottery, which, as all gaming was vicious, ought never to be resorted to by a Government, would it not be the height of enormity, if, after all the tickets had been sold, Government were to declare that it had become sensible of its error, and were to leave the purchasers to digest their loss? Nay, if once such a doctrine as that which he was contravening were established, almost the whole of the public debt of this country ought to be wiped away; for he held that there was no national crime greater than to engage in wanton and unjustifiable wars; and the greater part of that debt was incurred in the prosecution of such wars. For instance, during the American war we had borrowed 100 millions. The prosecution of that war was as wicked an act as the maintenance of slavery. What difference was there between keeping one set of men in a state of severe and unmerited bondage, and carrying fire and sword among another set of men who merely asserted their rights? If it was unjust to compel the slave to labour throughout life for his master, was it not unjust to spend money in sending the sabre of the Hessian, or the tomahawk of the Indian, into the fields of a people who were only struggling for liberty? If, therefore, the principle against which he was contending were established, those who admitted it would be at a loss to make out how the claims of almost any public creditor could be considered as valid. He repeated, therefore, that he was decidedly favourable to two of the principles of the Bill; the Abolition of Slavery, and the Compensation to the Planter. But as to the third principle of this Bill, which related to the transition state of the negro, before the total cessation of his slavery, he confessed that he entertained great, and in some respects, he feared, insurmountable doubts. There could be no question that it was the solemn duty of Parliament to do all they could to protect the planter? but he had great doubts if the provision in question would have that effect. If it could be proved, that what they were about to do was calculated to improve the morality of

the slave, and thereby enable him, when he became wholly free, better to discharge the duties of a citizen, he should assent to it. He should not refuse to assent to it because it was severe, provided it could be shown that that severity was likely to be efficacious. What he objected to was this, that the restraints laid on the negro by the Bill were not so laid with the sole view of improving his moral character. His right hon. friend had, with perfect candour, admitted that. The ninth clause of the Bill contained a provision that it should be lawful for the slave at any time to purchase his freedom on the payment of a value legally fixed. Now that clause admitted a principle in which he could not acquiesce; namely, that the planters had a right to compensation from their slaves. The planters and the State had been accomplices in a crime, and it would be exceedingly hard and unjust to throw the burden of retribution on one party; but it would be still more hard and unjust to lay any portion of it on the third and injured party. By this clause a negro who was fit for all the duties of civil life, might still be kept in slavery. Why was he to give this money to his master? If the clause had provided, that when the slave had laid up a certain sum in the Savings' Bank he should become free, that would have been a fair proposition; but when they compelled him to pay it to the master, they compelled him to pay the price of a right—a principle—the justice of which he (Mr. Macaulay) could never admit. A man who had laid up 10*l.* was not rendered more or less fit for freedom by giving that money to his master, or by keeping it in his own chest. He denied the right of the State to demand any sacrifice whatever from the injured party. He would now say a few words with respect to the restraints which were imposed on slaves who were artizans, artificers, coopers, &c., or who, in the words of his right hon. friend, were non-predial. Even many of those who denied that the slaves engaged in agriculture were fit for freedom, admitted that the non-predial slaves were perfectly fit for freedom; and he was convinced that they might be instantly



set free from all restraints, without any danger whatever to society. If so, it was impossible to justify the infliction upon them of a seven years' apprenticeship. With respect to the other class of slaves, who, it might be said, stood more in need of a transition state, he was apprehensive that the twelve years' apprenticeship would be found a bad and inefficient mode of training them for freedom. There had been no practical experience on this matter. Indeed, they might as well talk of practical experience of a nation of Amazons. There had been no example of such apprenticeships. He must say, however, that he thought the argument on the subject of his hon. friend, the member for Weymouth, very convincing; and that he did not think that his right hon. friend had met that argument in so direct a manner as was usual with him. Agricultural labour in the West-Indies was a most painful drudgery. The labourer, therefore, ought to have a strong motive for exertion. He was at a loss, however, to understand what that motive was to be. Even in this country, agricultural apprentices were not taken without a premium, and he understood that the great body of apprentices did not, for a considerable time, earn their own living. But what was to be the motive of the West-India apprentice to exert himself?—The Magistrate. It was he who was to superintend all the operations of society in the colonies. Every day in the week, and every hour in the day, whenever the master became harsh, or the slave became indolent, there was to be no recourse but to the Magistrate. It must be recollected, that in the colonies the negro and the master would always have opposite interests, and that those interests could not be reconciled by law. In this country it was quite different. Here a master had the choice of labourers, and a labourer the choice of masters; but in slavery it had always been found necessary to give despotic power to the master. By this Bill it was left to the Magistrate to keep the peace between the master and the slave. Every time that the slave took twenty minutes, to do that which the master thought he might have done in fifteen, recourse must be had to

the Magistrate. Society day and night would be in a constant state of litigation, and all differences and difficulties were to be met by judicial interference. He did not entertain the apprehensions expressed by his hon. friend, the member for Weymouth, that such a state of things would lead to gross cruelty. It would, in his opinion, be merely a state of dead slavery, a state destitute of any vital principle. He did not see reason to apprehend any cruelty; for what motive could the stipendiary Magistrate have for hostility towards the slaves? The contrary would, he thought, be the case. The Magistrates would be accountable to the Colonial Office; the Colonial Office to the House of Commons, in which every whipping would, no doubt, be told. The object of the Magistrate, therefore, would be to be as lenient as possible. His apprehension was, that the result of continuing this state of society for twelve years would be, that the whole negro population would become inactive, would sink into weak and dawdling inefficiency, and would be much less fit for liberty at the end of the period than at its commencement. His hope was, that the system would die a natural death; that a few months' experience would establish its utter inefficiency, so as to induce the planters to abandon it, and to substitute a state of freedom. In his opinion, however, it would be much better, that that should be done by parliamentary enactment, rather than it should be left to the Colonial Authorities. He had voted for the second reading of the Bill, and he should vote for the third reading of it; but while it was in the Committee, he would join with other hon. Members in doing all that was possible to amend those points of the Bill to which he objected. He was aware how freely he had stated his opinions on this important question; but he was sure that the House would do justice to his motives, which, amidst conflicting feelings and opinions, prompted him honestly to endeavour to perform his duty.

## ON THE BALLOT.\*

JUNE 18, 1839.

HAVING been long absent from the House, he wished it had been in his power to be, at least for some weeks, a silent listener to their debates ; but the deep interest which he took in this question, and his sense of what he owed to a large and respectable portion of his constituents, whose views on this subject concurred with his own, impelled him to trust to that indulgence which it was customary in that House to bestow. But before he made any remarks upon the question immediately before the House, he wished to advert, for a short time, to one topic which had excited the greatest interest throughout the country, and to which the hon. Gentleman who had just sat down had made some very sarcastic, and not, he thought, exceedingly well-judged allusions. It was generally understood that her Majesty's Ministers had determined that the question of the ballot should be an open question—that all the members of the Government should be free to speak and vote on that question according to their individual opinions. It was natural that this determination should excite censure on the one side of the House and applause on the other. For his own part, he must say, that, without any reference whatever to his opinion on this particular question, he was inclined, on higher and more general grounds, to approve of the determination of the Government. He rejoiced to see the number of open questions increasing ; he rejoiced to see that they were returning to the wise, the honest, the moderate maxims which prevailed in that House in the time of their fathers and grand-

\* Hansard, 3d Series, vol. xlviii. p. 462-476.



fathers. He said, that the practice of the House, in that respect, had undergone, in very recent times, a great change; he believed that another change was now taking place, and that they were reverting to a more prudent and rational system. To what precise extent it was desirable that the Ministers of the Crown should act in strict concert together in Parliament on the various legislative questions that came under consideration, was an exceedingly nice question, a question to which, so far as he was aware, no rigid and strictly drawn rule could be applied. Hon. Gentlemen on the other side, no doubt, possessed a great advantage over him; they were probably aware of much that might have passed during the last four or five years on this subject, with which he was unacquainted. But he was not aware that any speculative or practical statesman had ever been found, either in writing or speaking, to take any distinct line on this subject, and to trace out a definite line of action, for the guide of political prudence, in all cases, was, he believed, difficult, and perhaps impossible. It was perfectly plain, however, that there were but three courses possible with respect to the conduct of Ministers in dealing with legislative questions—either that they must agree on all questions whatever, or that they must pretend to agree where there was a real difference, or that they must leave each individual member of their body to take the course which his own opinion and inclination dictated. Now, that there should be a perfect agreement between Ministers on all questions, they knew to be impossible. That was not his expression, it was the expression of one who had long been the brightest ornament of that House—Lord Chatham. That great man said, “Talk of divided houses! Why, there never was an instance of an united Cabinet! When were the minds of twelve men ever cast in one and the same mould?” They knew that even if two men were brought up together from their childhood—if they followed the same course of study, mixed in the same society, communicated their sentiments to each other on all topics with perfect free-

dom, and exercised a mutual influence in forming each other's minds, a perfect agreement between them on political subjects could never be expected. How then was it possible that this agreement could subsist between a cabinet of several persons imperfectly acquainted with each other? Every Government—he spoke neither of the present Government, nor of the late Government, nor of the Government which seemed about to be formed the other day—was constructed in such a manner that forty or fifty gentlemen, some of whom had never seen each other's faces till they were united officially, or had been in hot opposition to each other all the rest of their lives, were brought into intimate connexion. He meant to cast no reflection whatever on either side of the House, but such was the general character of all Governments, and complete unanimity in any was out of the question. It would, in truth, be an absolute miracle. Only two courses, therefore, remained. Either there might be a semblance of unanimity, where unanimity really was not, or each person might be left to act on his own opinions. He did not profess any extraordinary degree of prudery on matters of political morality. He was perfectly aware that in Parliament it was impossible any thing great could be done without co-operation, and he was aware that there could be no co-operation without mutual compromise. He admitted, therefore, that men were justified, when united into a party, either in office or in opposition, in making mutual concessions, in opposing measures, which they might, as individuals, think desirable, in assenting to those which they might consider objectionable, and giving their votes, not with reference to the mere terms of the question put from the chair, but with reference to the general state of political parties. All this he admitted. If there were any person who thought it wrong, he respected the tenderness of his conscience, but that person's vocation was not for a public life. That person should select a quieter path for his passage through life, one in which he might play a useful and respectable part; but he was as

completely unfitted for the turmoils of political strife as a Quaker, by his religious principles, was prevented from undertaking the command of a regiment of horse. Thus far he admitted the principle of party combinations, but he admitted that they might be carried too far—that they had been carried too far. That a Member of the House should say “No,” to a proposition which he believed to be essentially just and necessary—that he should steadily vote through all its stages in favour of a bill that he believed would have pernicious consequences, was conduct which he (Mr. Macaulay) should think was not to be defended. Such a course of action was not reconcileable to a plain man, whose notions of morality were not drawn from the casuists. He only defended the principle of mutual action among political partisans as being a peculiar exception from the great general rules of political morality, and it was clear, that an exception from the great rules of political morality should be most strictly construed, that it should not be needlessly extended, and, above all, that it should not be converted into the rule. Therefore, he said, that in the members of a Government, any concession of opinion which was not necessary to the efficient conduct of affairs, to cordial co-operation, was to be looked upon as unjustifiable. In saying this, he was not pleading for any innovation, he was attacking a modern basis of action, and recommending a return to the sounder and better maxims of the last generation. Nothing was more common than to hear it said, that the first time when a great question was left open, was when Lord Liverpool’s Administration left the Catholic question open. Now, there could not be a grosser error. Within the memory of many persons living, the general rule was this, that all questions whatever were open questions in a cabinet, except those which came under two classes—namely, first, measures brought forward by the Government as a Government, which all the members of it were, of course, expected to support; and, second, motions brought forward with the purpose of casting a censure, express or implied, on



the Government, or any department of it which all its members were, of course, expected to oppose. He believed that he laid down a rule to which it would be impossible to find an exception, he was sure he laid down a general rule, when he said that fifty years ago all questions not falling under these heads were considered open. Let gentlemen run their minds over the history of Mr. Pitt's administration. Mr. Pitt, of course, expected that every Gentleman connected with him by the ties of office should support him on the leading questions of his Government—the India Bill, the resolutions respecting the commerce of Ireland, the French commercial treaty. Of course, also, he expected, that no Gentleman should remain in the Government who had voted for Mr. Bastard's motion, of censure on the naval administration of Lord Howe, or for Mr. Whitbread's motion on the Spanish armament; but, excepting on such motions, brought forward as attacks on Government, perfect liberty was allowed to his colleagues, and that not merely on trifles, but on constitutional questions of vital importance. The question of Parliamentary reform was left open; Mr. Pitt and Mr. Dundas were in favour of it, Lord Mulgrave and Lord Grenville against it. On the impeachment of Warren Hastings, likewise, the different Members of Government were left to pursue their own course; that governor was attacked by Mr. Pitt, and defended by Lord Mulgrave. In 1790 the question, whether the impeachment should be considered as having dropped, in consequence of the termination of the Parliament, in which the proceedings were commenced, was left an open question; Mr. Pitt took one side, and was answered by his own Solicitor-general, Sir J. Scott, afterwards Lord Eldon. The important question respecting the powers of juries in cases of libel was left open; Mr. Pitt took a view favourable to granting them extensive powers, Lord Grenville and Lord Thurlow opposed him. The abolition of the slave trade was also an open question. Mr. Pitt and Lord Grenville were favourable to it; Mr. Dundas

and Lord Thurlow were among the most conspicuous defenders of the slave trade. All these instances had occurred in the space of about five years. Were they not sufficient to prove how absurdly and ignorantly those persons spoke who told us, that the practice of open questions was a mere innovation of our own time? There were men now living—great men, held in honour and reverence—Lord Grey, Lord Wellesley, Lord Holland, and others, who well remembered, that at an early period of their public life, the law of libel, the slave trade, Parliamentary reform, were all open questions, supported by one section of the Cabinet, and opposed by another. Was this the effect of any extraordinary weakness or timidity on the part of the statesman then Prime Minister? No; Mr. Pitt was a man, whom even his enemies and detractors always acknowledge, possessed of manly, brave, and commanding spirit. And was the effect of this policy to enfeeble his Administration, to daunt his adherents, to render them unable to withstand the attacks of the Opposition? On the contrary, never did a ministry present a firmer or more serried front to Opposition, nor had he the slightest doubt but that their strength was increased in consequence of giving each Member more individual liberty. Where there were no open questions, opinions might be restrained for a time, but sooner or later they would show themselves, and when they did, what would be the consequence? Not, as in Mr. Pitt's time, when one Minister would speak against a measure and another for it—when one would divide with the ayes, and another with the noes, and as Mr. Pitt and Mr. Dundas did, all in perfect good humour, lest the Government should be dissolved. Now, as soon as one Cabinet Minister got up and declared that he could not support the view taken by another upon any question, what was the result? The result had been seen. They all remembered the manner in which the Government of the Duke of Wellington, in 1828, dispensed with the services of some members of the cabinet, in consequence of a difference of opinion upon a subject on which

not one of Mr. Pitt's colleagues would have asked permission to vote against him. He did not pretend to draw the line precisely, but he was satisfied that of late the line had been drawn in an improper and inconsiderate manner. It was time they should return to better maxims, maxims which had been shown by experience to be sound and good. He was perfectly satisfied that the present Government would find, by taking this course on the present occasion, that they had increased their strength and raised their character. Now, to come to the particular question before the House, he should vote for the motion of the hon. Member for the city of London. He wished to explain that, in doing this, he was merely to be understood as giving a declaration in favour of the principle of secret voting. He desired to be understood as reserving to himself the right of withholding his support from any bill which, when he examined its details, did not appear to contain such provisions as would effect the object he had in view. He must reserve to himself, also, the right of considering how far he could, with propriety, give his support to any bill which should not be accompanied or preceded by some measure for improving the mode of revising the registration. He should think it most disingenuous to give a popular vote, saddling it with a condition which he thought either impossible or exceedingly difficult of fulfilment. Such was not his opinion. He had no doubt that it was possible to provide machinery which should give both to the voter and to the country all the security which the transactions of human life admitted, and he had as little doubt that it was possible to devise a tribunal, whose decision on a vote before the election would command as much public confidence as the decisions of committees of that House after elections. Subject to these two conditions he would give his support to the vote by ballot. He could not say that he did so upon the grounds on which many of the supporters of the ballot rested their case, because he by no means conceived, like many of them, that this was a case on which all the arguments lay on one side.



He admitted that, in his opinion, the advantages that would be derived from this measure would be very great; but, admitting and feeling this, still he was not surprised that very wise and very virtuous men hesitated on this subject, and that such men came, on this subject, to a conclusion different from his. They must in this, as in almost every other question of human affairs, balance the good with the good, and the evil with the evil. He fully admitted that the ballot would withdraw the voter from the influence of something that was good as well as from the influence of something that was bad. He admitted that it took away the salutary check of public opinion, as well as the pernicious effect of intimidation. He was compelled to strike a balance, and take refuge in the ballot, as the lesser of two evils. He did not, he must say, altogether agree with the Member for the city of London, if he perfectly understood him, in thinking that the ballot would secure that entire prevention of the bribery of voters which, on this subject, the hon. Member seemed inclined to hope. In small constituencies, he did think that bribery would continue, although, at the same time, it might not be so extensively entered into. He considered that the ballot was a remedy, a specific remedy, and the only remedy for the evils of intimidation; and upon this ground he gave it his support. There was a time when he, like the noble Lord who seconded the motion of the hon. Member for London, was inclined to hope that those evils, like many other evils which had yielded to the force of public opinion and the progress of intelligence, would die a natural death. That hope he had been compelled to relinquish. He believed the evil to be a growing evil, and he was satisfied that it had made progress within the last seven years. He believed it had made progress within the last three years. He could not disguise from himself that the growth of this evil was, in some measure, to be imputed to the Reform Act; and, in saying this, he only said it in common of the Reform Act, and of almost every great measure. The Reformation of the Church, they all

knew, produced classes of society and moral evils that were unknown in the time of the Plantagenets. The Revolution produced a description of abuses that were unknown in the time of the Stuarts; and the Reform Act, although he believed no measure was more generally pleasing to the country, like the Reformation of the Church and the Revolution, produced some new, and aggravated some old, evils; it swept away many abuses, but it seemed to him to have given a deeper and more malignant energy to the abuses which it spared. It swept away many of the old channels of corrupt influence, but, in those channels which it had not swept away, the corrupt current not only still ran on, but it ran on deeper, and stronger, and fouler than ever. It destroyed, or, if it did not destroy, it restricted within narrow limits, the old practice of direct nomination; but, in doing so, he believed it gave a new impulse to the practice of intimidation, and this at the very moment when it conferred the franchise on thousands of electors, and thus placed them in a situation in which they were most open to influence and intimidation. It was impossible to close their eyes to the evidence that was offered to them on every side. If he believed the outcry raised, not by one party, or from one corner of the kingdom, but by Tories, Whigs, and Radicals, in England, Scotland, and Ireland, he must believe that there were, sitting in that House, Gentlemen who owed their seats to votes extorted by fear. And he said, that if there was any Gentleman in that House who owed his seat to such means, it were infinitely better that he sat there for Old Sarum; for, by sitting there for Old Sarum, he would be no Representative of the people, nor was he a Representative of the people now. At Old Sarum there were no threats of ejections because a voter had more regard to his public duty than to his private interest. At Old Sarum the voter was never put to the alternative whether he would abandon his principles, or reduce his family to distress. All tyranny was bad; but the worst was that which worked with the machinery of freedom. Under

an undisguised oligarchy, the people suffered only the evil of being governed by those whom they had not chosen; but, to whatever extent intimidation mixed itself up with the system of popular election, to that extent the people suffered both the evil of being governed by those whom they had not chosen, and the evil of being coerced into a professed choice. A great number of human beings were thus mere machines through whom the great proprietors expressed their pleasure, and the greater their number, the greater the extent of misery and degradation. The noble Lord who had seconded the motion said, and most justly said, that he did not wish, in supporting this motion, to deprive wealth of its legitimate influence. Wealth, under any system, must always retain its legitimate influence. Wealth was power, and power justly and kindly used necessarily inspired affection. Wealth, or that which was so, compared with what was possessed by the great mass of electors, was closely connected with intellectual superiority. It enabled its possessor to select and prosecute any study to which he might be inclined; to continue it when those who commenced life with him, under less favourable circumstances, were forced to drudge for their daily bread; to enlarge his mind by foreign travel: to acquire an intimacy with the history of nations, and with the arts and sciences. These were advantages to which it was impossible that constituencies could be blind; nay, going much below those who formed the present body of electors, and descending to the very lowest of the populace, it never was found that, even in their wildest aberrations, they chose a leader destitute of these recommendations. This was the natural, the indestructible, the legitimate, the salutary influence of wealth. Whatever was more than this was corruption; and if it were thought necessary, as it appeared from the speech of the hon. Member who had last spoken, that some persons in that House did think it necessary to maintain the influence of bribery in our elective system, then he said, that incomparably the best and least objection-



able method was that of open bribery. But against bribery they enacted laws; against bribery they passed resolutions; for bribery, boroughs were disfranchised; for bribery, Members were unseated; for bribery indictments and informations were preferred; for bribery, the penalties extended both to the elector and the elected; one man was disqualified, another man fined. On what principle did they inflict penalties on the elector—on what principle but this, that, from having dealt in pecuniary corruption, the elector was no longer fit to exercise the right of voting? But what was the operation of intimidation? It was this—"Vote with me, or give up my custom. Vote with me, or give up your farm." Or it was thus—"Vote with me, and I will give you 20*l.* for a pair of boots." Why, surely it was notorious that this was one of the constant forms of corruption. "Vote with me, and I will give you 2*l.* for a pair of boots," was a common and constant form of corruption, though less so, perhaps, because less easy, than "Vote for me, or I will carry my custom to the boot-maker's in the next street." On what possible pretext could any man defend such an exercise of the power of wealth as this? And here he must say, that he almost dissented from the form of expression used by the hon. Member for London in his eloquent and excellent speech; he objected to the hon. Member making an antithesis between intimidation and corruption. He said, that intimidation was corruption in its worst and most loathsome form, stripped of every seduction, of every blandishment, of everything that had the appearance of liberality and good humour; a hard, strict, cruel corruption, seeking by means most foul, a most loathsome end. It was corruption working by barbarity; and this sort of corruption, this general sort of corruption, was, most unhappily, the easiest and cheapest of all. Corruption by gifts costs something, but corruption by threats cost nothing but the crime. It was only of a superfluity out of what was left after expending all that was necessary for the support of a family, that corruption by giving commenced: but how

much worse was the corruption of taking away? The man who practised intimidation was under no necessity of mortgaging his estate to prepare for an election: nay, at the same time that he improved perhaps his lands, by the very mode of administering the economy of his family, he was able to effect by intimidation all the purposes of corruption to a greater extent, and with more complete demoralization, than had ever been seen in Grampound or East Retford. But not only was intimidation worked easily and cheaply, but it was also most trying to the virtue of the persons that were subjected to it, inasmuch as it was much more easy to refuse that which a man never had, than to submit to be pillaged of that which he was accustomed to have. Many men who would not hesitate to throw down a purse if it were offered to him to vote for a particular candidate, would nevertheless vote against his conscience for fear of an ejectionment. And he found, that this corruption, which was the greatest, the easiest, the cheapest, and the most trying to the party, was also the safest of all. It was also that sort of corruption which they allowed and must allow with perfect impunity. They could punish to a certain extent that good-humoured corruption which corrupted by making men happy, but they could not punish that malignant corruption that corrupted by making men miserable. They could not set up an inquisitorial tribunal that would be entitled to ask these questions:—"Why did you not continue such a lease—what fault did you find—did not the tenant do justice to the land—did he not pay his rent—was he disrespectful—and if not for his vote, why did you turn him out?" Or, to take the instance of a tailor after the Westminster election, could you put such questions as these:—"Why have you left him—had he not suited you—did he not fit you well—were his charges too high—and if not for his vote, why did you leave him?" Such a remedy would be worse than the disease. Property ceased to be property, if they called upon the proprietor for any reasons other than mere will and caprice, to state why he dis-

charged his tailor or other tradesman. In what position, then, did they stand? Here was, as it seemed to him, a great evil—a growing evil—an evil much more fearful than many which had undergone the direct censure of the law. But it was so intertwined with the institution of property, that if they attempted to strike at it by means of an enacting bill, they would inflict necessarily a wound upon the institution of property. It seemed to him, then, considering punishment out of the question, that they could only try means of prevention. What were the means of prevention suggested? Absolutely none, except the ballot. Here, then, or nowhere we can find means of reconciling the rights of property with the rights of suffrage. In this way, only, could they enable each party really to do what he liked with his own. The estate was the landlord's, the vote was the tenant's." "So use your own rights," was the language of all civil as well as moral law, "as not to interfere with the rights of others." But here, it should be remarked, they could not give the one right without infringing or rather destroying the other. Through a system of open voting, they could not give the landlord that dominion over his estate which he ought to have, without throwing in the dominion over his tenants' votes which he ought not to have, and under the same system of open voting they could not protect the tenant's vote without interfering with the landlord's property. Under a system of open voting, with rights opposed to each other, it was impossible to reconcile the differences between these two great principles on which depended the whole national prosperity, liberty and property. If, then, there was any mode of reconciling these principles, ought they not eagerly to embrace it, and most seriously to consider whether they would not find in the ballot the mode of reconciling them? Whether the ballot would not give equal and perfect protection to both? Whether it would not give to each just what they ought to have and nothing more than each ought to have? If this were, as he really believed it would be, the effect



of the ballot, if here, and here only, they could find a solution of those difficulties, surely no slight objections ought to deter them from adopting it. The objection to the ballot, though by no means the only one raised in discussion, which appeared to throw any real difficulty in the way of carrying it, was, as had been said by an eloquent, ingenious, and lively speaker, that in the minds of the people there was a moral objection to it, otherwise nothing could prevent for a single session the carrying of the principle of vote by ballot. He must own that this objection, highly respectable as many of those who entertain it were, did not seem to him sound or well considered, because he hardly thought that it could be entertained by any respectable and sensible person, who considered for a moment what was the amount of the evil effected by the present system. Surely if it were immoral to tell an untruth, at least it was equally immoral, having received a great public trust for the public good, to employ that trust to an evil purpose. If it were un-English not to dare to own the vote that was given, surely it was more un-English not to dare to vote as he thought right. When the word un-English was used, they were compelled to contrast their idea of that bold and sturdy independence which had been their great pride as a national characteristic, with the situation of a man, who, holding his farm from year to year, is compelled by fear of pecuniary loss and ruin to poll against him whom he wished to see chaired, and to vote for the candidate whom, with all his heart, he would see well ducked. At present they knew that many dishonest votes were given, but let the system of secrecy in voting be introduced and they would have honest votes, although the parties might afterwards deny that they had given them. Which was the greater evil of the two? God forbid that he should say anything that should seem to extenuate the guilt of falsehood, but God forbid, also, that he should not make some allowance for the poor as well as for the rich. God forbid that he should see more distinctly the mote in the eye of the 10*l.* householder, than the beam in the

eye of a baron or a bishop. If morality were anything more than capricious favour or mere pretext, they would have ample opportunities of exercising it, without waiting till the ballot became the law of the land, or without even descending below their own rank in life. If it were criminal in a man to utter an untruth for the purpose of guarding a secret against private curiosity, then he would say, that they would find many criminals of a far higher station, and of a far more cultivated intellect, than the bakers and butchers about whose veracity they were so anxious. He would take a single illustration from the case of anonymous writers. It was perfectly notorious that men of high consideration, men of the first distinction, had written books and published them without their names, and on being questioned, had denied that they were the authors of the works they had written; and yet this denial did not prevent them from being generally considered with respect and kindness in society. They had also seen casuists of great repute defend those parties. One illustrious name he would instance, which would no doubt suggest itself to all who heard him, the name of a first-rate man of genius, of excellent principles, and a noble spirit—he need hardly add the name of Sir Walter Scott. Sir Walter Scott published without his name that eminent and popular series of novels which had endeared him to all his countrymen, nay, almost all the world, and which he for one could not think upon without feelings of the deepest admiration and gratitude. Sir Walter Scott published this series of novels anonymously, and to all questions put to him on the subject, persisted in denying the authorship of them, till at length he consented to drop the veil of concealment, and acknowledged them to be the productions of his pen. Now he would ask—and he appealed to many who were personally acquainted with that great man—he would appeal to them and ask, did this concealment and subsequent avowal of his name reflect any shame on the character of Sir W. Scott?—did any one of the large circle of his friends and admirers

consider that Sir W. Scott had dishonoured himself by this proceeding. All that he demanded was this, that we should, in the purity of our own moral feelings, think of the moral feelings of other classes, as well as of those belonging to that class to which we ourselves belonged ; that we should have one weight and one measure ; and that we should extend to those untruths by means of which the poor man seeks to protect himself from the encroachments of the gentleman, that pardon which we extend to the untruths by which one gentleman defends himself from the impertinent curiosity of another. He did not pretend to be a casuist, nor to be accustomed to weigh questions of this nature in a very nice balance, but he should hesitate, he almost thought, to advise an elector now-a-days to tell the truth and take the consequences. They had no right to expect sacrifices of that kind from every body, or count on the moral courage to make them. As for the honest electors, that class of men—village Hampdens, Grey would have called them—they would be honest still if this measure were adopted. The man who would utter untruths when he had the ballot, was the man who would now be ready to give a corrupt vote. In fact, there was the same breach of faith in the one course as in the other. He was for neither. Of the two alternatives—of the two chances of evil—he thought the latter was to be preferred. In short, if the voters could not at once keep faith with their country, and with their corruptors, he was one who wished that we should have a system by which their faith might be kept to their country, and broken to their corruptors. If there were one system under which, more than another, it were easy for the elector to break his faith to the country, while he kept it with his corruptor, that system was the present. Another objection, which was sometimes put forward, was contained in this question, “ Will you disturb that settlement which was made by the Reform Bill, and which we were then told was to be final ? ” On this point he fully agreed with the hon. Member for the city of London. He thought



that this question had been expressly reserved at the time of carrying the Reform Bill ; nor was he aware that a single person considered himself, by supporting the Reform Bill, to be pledged to do without the ballot. Now, with regard to the finality of the Reform Bill ; he had always regarded that great measure with reverence,—but a rational, not a superstitious reverence ; and he conceived that the question, whether it should be amended or not, should be considered upon no other principles, but the ordinary principles of public good. He saw many and strong arguments against frequent and violent changes in our constitutional system. He could not conceal from himself that the great revolution of 1832—for revolution it was, and a most fearful and sanguinary revolution it would have been in any other nation than this—that revolution was effected here without civil disorder, and without the effusion of blood ; but unquestionably the passing of the bill was attended with much excitement and danger. That excitement and that danger he was not desirous to renew. He would bear with many inconveniences rather than open a similar scene ; nay, he would bear with many grievances rather than agree to re-open the whole representative system which was established by the Reform Act. But if any man argued that the Reform Act ought to be final, he must, at the same time, admit, that it ought to be effectual, otherwise they would have cut off one form of misrepresentation merely to have it replaced by another. They must not allow that which they meant as a franchise to be turned into a species of villein service, more degrading by far than any that belonged to the dark era of the 14th century. It was not that threats should be substituted in the place of bribery—it was not for that result that the aristocracy had been conquered in their own strongholds ; but it was for the establishment of a genuine suffrage, and of real, not pernicious, rights, that the Church, the aristocracy, and the Court together had been made to give way before the determined voice of a united people. The object of that mighty movement was not

that old abuses should be brought back under new denominations, that the place of Old Sarum, the rotten borough, should be supplied by other Old Sarums, under the respectable names of counties and divisions of counties. No, nor was the time far remote, when this nation, with a voice as imperative as that with which she demanded the Reform Bill, would demand that the Reform Bill be carried out in the truth of its noble principle, and when that just and reasonable demand was conceded, as conceded it would be, and the franchise of every voter should be made a franchise indeed, they would find, that instead of having led the way, by this step, to reckless spoliation and confusion, in truth they had strengthened the law, secured to property its just rights, drawn closer the ties which united the two great orders of society to each other, and attached both of them all the more to the law, the Parliament, and the Crown.

## ON CONFIDENCE IN THE MINISTRY.\*

JANUARY 29, 1840.

It is possible, Sir, that the House may imagine I rise under some little feeling of irritation, to reply to the personalities and accusations of the right hon. Baronet [Sir J. Graham]. I shall indulge in neither. It would be easy to reply to them—to recriminate would be still easier. Were I alone personally considered, I should think either course unworthy of me. I know that egotism in this House is always unpopular; on this occasion it would be singularly unseasonable. If ever I am under the necessity of addressing this House on matters which concern myself, I hope it shall be on some occasion when the dearest interests of the empire are not staked on the event of our debate. I do rise, Sir, to address you under feelings of deep anxiety, but in that anxiety there is not, if I know my own heart, any mixture of selfish feeling. I do feel, indeed, with the most intense conviction, that in pleading for the Government to which I belong, I am pleading for the deepest interests of the Commonwealth—for the reformation of abuses, and for the preservation of august and venerable institutions. I trust, Mr. Speaker, that the first Cabinet Minister who, when the question is, whether the Government be or be not worthy of confidence, offers himself in debate, will find some portion of that generosity and good feeling which once distinguished English gentlemen. But be this as it may, my voice shall be heard. I was saying that I am pleading, not only for the preservation of our institutions, but for liberty and order, for justice administered in mercy, for equal laws,



for the rights of conscience, and for the real union of Great Britain and Ireland. Sir, I wish first to address myself not to any matter relating to myself alone, but to those parts of the subject with which my name is bound up in some degree with the character of the Government to which I belong. My opinions are favourable to secret voting. The opinions of my noble Friend (Lord John Russell) are in favour of open voting. Notwithstanding, we meet as Members of one Government. This has been made a topic of charge against the Government by every Gentleman who has addressed the House, from the hon. Baronet who opened the debate, down to the right hon. Baronet who spoke last. Now, Sir, I say in the first place, that if on account of this difference of opinion we shall be considered by the House unworthy of its confidence, then no Government for many years has been worthy, is worthy, of the House of Commons: for the Government of Mr. Pitt, the Government of Mr. Fox, the Government of Lord Liverpool, the Government of Mr. Canning, the Government of the Duke of Wellington, have all had open questions on subjects of the greatest moment. I say that the question of Parliamentary Reform was an open question with the Government of Mr. Pitt. Mr. Pitt, holding opinions in favour of that question, brought into the Cabinet Lord Grenville, who did not. Mr. Pitt was opposed to the slave trade. Mr. Dundas, a defender of it, was a Member of his Government. I say Mr. Fox, in the same manner, in his Cabinets of 1782 and 1806, had open questions of similar importance; and I say that the Governments of Lord Liverpool, Mr. Canning, and the Duke of Wellington, left, as an open question, Catholic Emancipation; which, closely connected as it was with the executive Administration, was, perhaps, one of the last questions which should ever have been left an open one by any Government. But to take still more important ground, and to come to a question which more nearly interests us—suppose you dismiss the present Government, on what principle do you mean to constitute an Ad-

ministration composed of hon. Gentlemen opposite? Is it proposed by you to leave the privileges of this House an open question? Is it intended that your proposed Government should consist of those amongst you who declare themselves favourable to our privileges? Will it be said, that the question of privilege is of less importance than the question of the ballot? It is from the question of privilege that the question of the ballot, and all similar questions, derive their importance. And of what consequence is the mode in which you are elected, if, when you meet, you do not possess the privileges necessary for your efficiency as a branch of the Legislature? Is anything more clear than that, if an address (which is likely) were presented to the Crown on the subject of our privileges, you could never agree as to the answer to be given to it? Why, can any question be more important than that which should determine in what relation we stand to our constituents in the Courts of Judicature, and to the other branches of the Legislature? And, on the other hand, what is more monstrous (if we take the view of those opposed to our privileges) than that we should assert our privileges by attacking the liberty of the subject, by infringing on the functions of the courts where her Majesty dispenses the law, and committing to prison persons guilty only of the crime of appealing to the laws of their country? Can you conceive anything more absurd than the Prime Minister, over night, sending men to prison, to whom his law officers and supporters pay complimentary visits in the morning? I seriously believe that the differences of opinion on the other side on the question of privilege would, if a Ministry were formed from that quarter, produce, practically, more inconvenience in a week, than leaving the ballot an open question is likely to produce in ten years. The right hon. Baronet asks in what does the present Government differ from the Chartists? One Member of the present Government has, it is true, declared himself favourable to the ballot. I objected to the use of the word pledged; for I never gave any constituent body a pledge,

It is alleged too, that because I maintained that a 10*l.* house being considered a sufficient proof of a man's stake in the country to fit him to be a voter, it was not desirable his locality should decide upon his right of voting—for this reason, I stand exactly in the same position as those who would abolish all pecuniary qualification. I cannot see, however, in what way I admit, in the least, the doctrine of those who would abolish all qualification whatever, by expressing a desire to see the present 10*l.* franchise extended. In my opinion, a pecuniary qualification is indispensably necessary to the safety of the empire. In my opinion the 10*l.* qualification has never proved too high; and supposing society to continue in its progress—supposing education to continue, and the distribution of property, and the value of money to remain as they are, if I can foresee anything in my public conduct, I shall abide by the opinion which I have just expressed as to the question of the franchise. This is my answer to the right hon. Baronet, and if it does not convey to him a proof that my opinions are different from those of the Chartists on this subject, his conception of their doctrines differs very widely from mine. I come to that which, through the whole debate, has formed the principal subject of observation; for it must be clear, that it is not on the conduct of Commissioner Lin, or of Captain Elliot, or on the hostilities on the river La Plata, or on any circumstance of this kind, that the result of this debate must turn. The main argument of the hon. Gentleman opposite, used by the hon. Baronet who opened the debate, repeated by his seconder, and constituting the substance of every speech which has been delivered, amounts to this:—"The country is in an unsatisfactory state—there is great turbulence—there is great disposition to extensive political change—and at the bottom of all lies the agitating policy of those Whigs. They raised themselves to power by means of agitation—they strengthened themselves in favour by means of agitation—they carried the Reform Bill by means of agitation—and we are now paying the fruits of their acts. All this



Chartism is but the effect of their conduct; and it is evident that from those who have caused the evil you cannot expect the remedy. We ought to dismiss them, and seek others who, never having excited the people to turbulence, will command the confidence of the country." I don't know whether I have stated it correctly, but this, as nearly as I could collect, is the substance of what has been urged by hon. Gentlemen opposite. Now, I might follow the example set by my right hon. Friend (the Judge Advocate) in his most noble and eloquent speech, and content myself with stating that this agitation belonged principally to the Government of Lord Grey. Of that Government, the noble Lord, the Member for Lancashire, and the right hon. Member for Pembroke were Members. I might say—"they were then distinguished Members of this House. To them I leave the task of exculpation—to them I leave it to defend agitation—to them I leave it to decide on what principle, and to what extent, they shared in such means of carrying public questions." In spite of that challenge which my right hon. Friend gave the right hon. Baronet, he gives no explanation, but contents himself with the simple confession—"I liked the Reform Bill—I agitated for it. I was carried I admit far beyond prudence, and just on the verge of the law." Is it possible that any gentleman possessing only a very small part of the foresight of the right hon. Gentleman should not perceive, that as soon as this defence is admitted, this consequence must of necessity follow—that the only question is, whether the measures to be agitated for are good in themselves, and not whether agitation itself be good or bad. The right hon. Baronet admits, then, that agitation itself is a proper and legitimate mode of carrying any measure that is good. When the right hon. Baronet comes forward to charge the present Government with agitation, and directs his reproaches against no member of that Government more than myself, I confess I feel some inclination to remonstrate with the right hon. Gentleman for want of generosity: for my interest in this question is small indeed,

compared with that of the right hon. Gentleman himself. I, Sir, was not a member of the Cabinet that brought in the Reform Bill—I was not one of those Ministers who told their Sovereign they would serve him no longer unless he would create a sufficient number of Peers to carry their measures. I, Sir, at that time was merely one of those hundreds within these walls, and of millions throughout the country, who were firmly and deeply impressed with the conviction that the Reform Bill was a great and salutary measure—who reposed the greatest confidence in the abilities, the integrity, and the patriotism of the Ministers; and I must add, that in no Member of that administration did I place greater confidence for the possession of those high qualities than in the noble Lord the Secretary for Ireland, and in the right hon. Gentleman the First Lord of the Admiralty. In none did I place greater confidence that they would take measures to guard against the evils inseparable from all great changes, and take heed that they did not produce consequences injurious to the community. Is it not extraordinary that we should be reproached with what was, in fact, confidence in the noble Lord and right hon. Gentleman, by the very men who are seeking to raise that noble Lord and right hon. Gentleman to power? If the provisions of the Reform Bill point to Chartism—if the doctrines of Chartism are to be traced to the spirit of that enactment, then, Sir, I am bound to say that none more than the noble Lord and the right hon. Gentleman are answerable for it. If men are to be deemed disqualified for places in the councils of their Sovereign, because they exerted themselves to carry that bill, because they appealed to the people to support that bill, because they employed means, certainly lying within the verge of the law, but certainly also, as has been observed, just within the confines of prudence, then, Sir, I do say that no men in this empire lie under a disqualification for office more complete, more entire, than the noble Lord and the right hon. Baronet. Sir, I leave to them the task of defending themselves; well are they

qualified by their talents to do so ; but if the noble Lord does not answer, then it will remain for the right hon. Baronet, who twice offered both of them places in his Cabinet, to do so. If the noble Lord and the right hon. Baronet (or, as I trust he will permit me, in spite of some few asperities this evening, to call him my right hon. Friend) will forgive me, I would offer some considerations in extenuation of their conduct. I would say, " You condemn agitation. Do you mean to say that abuses shall never be removed ? If they are to be removed, then I ask, is it possible that any great abuse can, in a country like this, be removed till the public feeling is against it, or that the public feeling can be raised and kept up without arguments, without exertions, both by speech and writing, the holding of public meetings, and other means of a like nature ?" Sir, I altogether deny that assertion or insinuation, which I heard over and over again, both yesterday and this night, in this House, that a Government which countenances, or does not discountenance, agitation will not punish rebellion. There may be a similarity in the simple act between the man who bleeds and the man who stabs ; but is there no difference in the nature of the action—in its intent and in its effects ? I do not believe there has been one instance of justifiable insurrection in this country for a century and a-half. On the other hand, I hold agitation to be essential, not only to the obtaining of good and just measures, but to the existence of a free Government itself. If you choose to adopt the principle of Bishop Horsley, that the people have nothing to do with the laws but to obey them, then, indeed, you may deprecate agitation ; but, while we live in a free country, and under a free Government, your deprecation is vain and untenable. If a man lives in Russia and can obtain an audience of the Emperor Nicholas or of Count Nesselrode, and can produce proof that certain views he entertains are sound, certain plans he proposes would be attended with practical benefit, then, indeed, without agitation, without public discussion, with a single stroke of the pen, a great and important



change is at once effected. Not so, Sir, in this country. Here the people must be appealed to—the public voice must be consulted. In saying this have I defended one party alone—have I not defended alike both the great parties in this House? Have we not heard of agitation against the Catholic claims? Has there been no agitation against the Poor-law? Has there been no agitation against Education? Has there been no agitation against the Catholic Privy Councillors? But to pass, Sir, from questions about which there may fairly exist a difference of opinion, to measure upon which we must all agree—to pass to a measure of the proudest, grandest nature that ever received the sanction of a legislature; I say that the Slave-trade would never have been abolished without agitation. I say that slavery would never have been abolished without agitation. Would your prison discipline, or the severities of your penal code, have been ameliorated without agitation? I am far, very far, Sir, from denying that agitation may be much abused—that it may be carried to a most unjustifiable length. But, Sir, so also may freedom of speech in this House, so also may the liberty of the press. What is agitation when it is examined, but the mode in which the people in the great outer assembly debate? Is it not as necessary that they should have their discussion without the walls of this House, as we who sit within them? There may, indeed, be occasional asperities in popular meetings, as experience has shown that there frequently are in debates in this House, but that is no reason why freedom of debate should be abridged in either. I know well that agitation is frequently used to excite the people to resist the law, but that that is a proper subject for animadversion upon the Magistrates, I deny—that the agitation of the present time is evidence of the agitation of the Government of Lord Grey, I deny. It is perfectly true that what is said in this House, or any other public assembly, though it may be moderate, reasonable, and may point only to the legal remedy for an abuse, may yet be taken up by the disingenuous

man, and be so twisted, distorted, and perverted, that it may excite the populace to acts of crime. I have heard within the walls of this House, the right hon. Gentleman opposite—not, I am sure, with any improper motive—apply to secret meetings of men for lawless purposes, expressions which the noble Lord used only with respect to public and open meetings. The right hon. Gentleman ought to remember, that his own words have been applied by bad men for the delusion of the multitude. One of the speeches which has been used by the Chartists as a handle for their excesses, was a speech of the right hon. Baronet. Do I blame him for that? No. He said nothing which was not within the just line of his duty as a Member of this House. I allude to a speech which the right hon. Baronet made upon the subject of the emoluments divided among the Privy Councillors. I fully acquit the right hon. Gentleman of saying anything that was not in strict conformity with his duty, but it is impossible for any man so to guard his expressions that bad men shall not misconstrue, and ignorant men misunderstand them. I therefore throw no censure upon the right hon. Baronet, but I do say, that the very circumstance of his own speech having been perverted should make him pause, before bringing charges against men not less attached than himself to the peace and well-being of society—charges having no better foundation than bad reports of their speeches, and his own misapprehension of them. Now, Sir, to pass by many topics which, but for the lateness of the hour I would willingly advert to, I come to that which is really the point. This is not less a comparative than a positive question. The meaning of the vote is not, clearly, whether this House approves in all respects of the conduct of the Government—it is whether this House conceives that a better one can at present be formed. All government is imperfect, but some government there must be; and if the present Government were far worse than any hon. Gentleman on the other side would represent it to be, still it would be every man's duty to support it if he did not see that a

better one would supply its place. Now, Sir, I take it to be perfectly clear that in the event of the resignation of the present Administration one must be formed, the first place of which must be filled by the right hon. Baronet opposite. Towards that right hon. Baronet, and towards many of those Noblemen and Gentlemen who, in such an event, would be associated with him, I entertain nothing but kindly and respectful feelings. I am far—very far I hope—from that narrowness of mind which can see merit in no party but his own. If I may venture to parody the old Venetian proverb, I would say, “Be first an Englishman, and then a Whig.” Sir, I feel proud for my country when I think how much of integrity—how many virtues and talents which would adorn any station, are to be found among the ranks of my political opponents. Among them, conspicuous for his high character and ability, stands the right hon. Baronet. When I have said this, I have said enough to prove that nothing is further from me than to treat him with the smallest discourtesy in the remarks which, in the discharge of my public duty, I shall feel it necessary to make upon his policy and that of his party. But, Sir, it has been his misfortune, it has been his fate, to belong to a party with whom he has had less sympathy than any head ever had with any party. I speak of that which is a matter of history. I speak now of times long ago. He declared himself decidedly in favour of those principles of free trade which made Mr. Huskisson odious to a great portion of the community. The right hon. Baronet gave every facility for the removal of the disabilities of Protestant Dissenters. The right hon. Baronet brought in a Bill for the relief of Catholic disabilities; yet what we are charged with is bringing that enactment into practical operation. The right hon. Baronet declared himself in favour of the Poor-law; yet if a voice is raised against the “Whig bastiles,” or “the tyrants of Somerset House,” that cry is sure to proceed from some person who wishes to vote the right hon. Baronet into power. Even upon this great question of privilege, upon which



the right hon. Baronet has taken a part which ought to render his name to the end of time honourable in the opinion of this House, and of all who value its privileges, I cannot but conceive that the right hon. Gentleman is at variance with the great body of his supporters. Sir, I have also observed that where the right hon. Baronet does agree with the great body of his supporters in conclusions, he seldom arrives at those conclusions by the same process of reasoning by which their minds are led. Many great questions which they consider as of stern and unbending morality, and of strict principle, have been viewed by him as mere points of expediency, of place, and of time. I have not heard one allegation against the Government of Lord Melbourne which would not enable a Government formed by the right hon. Baronet to bring in, with some little variation, the same measures. I listened to the right hon. Baronet—I always listen to him with pleasure—upon the subject of education, and I could not but be amused at the skill with which he endeavoured to give the reasons of a statesman for the course of a bigot; and my conclusion, as I listened, was that he thought as I did with respect to the Douay version and the Normal schools. Sir, I am irresistibly brought to this conclusion, that in a conjuncture like the present, the right hon. Baronet can conduct the administration of affairs with neither honour to himself, nor with satisfaction to that party who seek to force him into office. I will not affect to feel apprehensions from which I am entirely free. I will not say that I think the right hon. Baronet will act the part of a tyrant. I do not think he will give up this country to the tender mercies of the bigoted part—and which form so large a part—of his followers. I do not believe he would strike out the names of all Catholics from office and from the Privy Council. Nor, Sir, do I believe that the right hon. Baronet will come down to the House with a Bill for a repeal of his own great measure. But, Sir, what I think he will attempt to do is this—he will attempt to keep terms with that party which raises him to power by a course

which would soon excite the gravest discontents in all parts of the empire. And at the same time I think, Sir, that he will not carry the course of his administration far enough to keep their steady support. The result I think, will be this—that the right hon. Baronet will lose the support of a great portion of his own party, and, at the same time, he will not gain the support of the other, till at last his Government will fail from causes purely internal. Sir, we have not to act in this merely upon conjecture. We have beheld the same piece performed on the same scene, and by the same actors, at no distant period. In 1827, the right hon. Baronet was, as now, at the head of a powerful opposition. He had a strong minority in this House, and a majority in the House of Lords; he was the idol of the Church and of the Universities; and all those who dreaded change—all those who were hostile to the principles of liberty and the rights of conscience, considered him their leader; he was opposed to those Members who were sometimes called Papists, and sometimes idolaters; he was opposed to a Government which was said to have obtained power by personal intrigue and Court favour. At last the right hon. Baronet rises to the principal place in this House. Free from those difficulties which had embarrassed him, he was in opposition when Tory bigotry had found for the greatest orator, and the most accomplished of Tory statesmen in the nineteenth century, a resting-place in Westminster Abbey, and the right hon. Baronet appeared at the head of Government upon this bench, and those who had raised him to power with the loudest acclamations, and deemed that their expectations must necessarily be accomplished. Is it necessary to say in what disappointment—in what sorrow—in what fury all those expectations ended? The right hon. Baronet had been raised to power by prejudices and by passions in which he had no share. His followers were bigots; he was a statesman. He was calmly balancing conveniences and inconveniences, whilst they were ready to prefer confiscation, proscription, civil war, to the smallest

concession to public feeling. The right hon. Baronet attempted to stand well with his party, and at the same time to perform some part of his duty to his country. Vain effort! His elevation, as it had excited the hopes and expectations of his own party, awakened gloomy apprehensions in other quarters. Agitation in Ireland, which for a time had slumbered, awakened with renewed vigour, and became more formidable than ever. The Roman Catholic Association rose to a height of power such as the Irish Parliament in the days of its independence never possessed. Violence engendered violence; scenes such as the country for long years had not witnessed, announced that the time of evasion and delay was passed. A crisis was arrived, in which it was absolutely necessary for the Government of the day to take one part or the other. A plain and simple issue was proposed to the right hon. Baronet—either to disgust his party or ruin his country. He chose the good path; he performed a painful, in some sense a humiliating, but in point of fact a most truly honourable part. He came down himself to propose to this House the great measure of Roman Catholic Emancipation. Amongst the followers of the right hon. Baronet, there were some who, like himself, had considered opposition to the Catholic claims purely as a matter of expediency. These readily changed about, and consented to support his altered policy. But not so the great body of those who had previously followed the right hon. Baronet. With them, opposition to the Roman Catholics was a passion, which a mistaken sense of duty bound them to cherish. They had been deceived, and it would have been more agreeable to them to think, that they had been deceived by others than by one of their own sect—one whom they themselves had been the means of raising to a permanent place in the Administration of the country. How profound was their indignation! With what an explosion did their rage break forth! None who saw that time can ever forget the frantic fury with which the former associates of the right hon. Baronet assailed their quondam



chief. Never was such a torrent of invective and calumny directed against one single head. All history and all fiction were ransacked by his own followers to furnish terms of abuse and obloquy. The right hon. Gentleman, whom I am sorry not now to see in his place on the bench opposite, unable to express his feelings in the language of English prose, pursued his late chief with reproaches borrowed from the ravings of the deserted Dido. Another, wresting to his use the page of holy writ, likened him to Judas Iscariot. The great university, which heretofore had been proud to confer upon him the highest marks of its favour, was now foremost to fix upon him the brand of disgrace and infamy. Men came up in crowds from Oxford to vote against him, whose presence a few days before would have set the bells of all their churches jingling. The whole hatred of the high Church party towards those to whom they had previously been opposed, was sunk and absorbed in this new aversion ; and thence it happened that the Ministry, which in the beginning of 1828 was one of the strongest that the country ever saw, was at the end of 1829 one of the weakest that a political opponent could desire to combat. It lingered on another year, struggling between two parties, leaning now on the Whigs, now on the Tories—reeling sometimes beneath a blow from the right, sometimes from a blow on the left—certain to fall as soon as the two parties should unite in their efforts to defeat it. At last it fell, attacked by the whole body of the Church, and of the Tory gentry in England. Now, what I wish to know is this : What reason have we to believe, that from an Administration now formed by the right hon. Baronet we could anticipate any different result. <sup>The right hon.</sup> Baronet is still the same—he is still a statesman ? Yes—still a statesman, high in intenet, moderate in opinions, calm in temper, free from the fanaticism which is found in so large a measure among his followers. I will not say, that the party which follows him is still the same, for in my opinion it has undergone a change, and that change is this—it has become fiercer and more

intolerant even than in days gone by. I judge by the language and doctrines of its press; I judge by the proceedings of its public meetings; I judge by its pulpits—pulpits which are every week teeming with invective and slander that would disgrace the hustings. A change has of late come over the spirit of a part, I hope not the most considerable part, of the Tory party. It was once the boast of that party, that through all changes of fortune they cherished feelings of loyalty, which rendered their very errors respected, and gave to servitude something of the dignity and worthiness of freedom. A great Tory poet, who, in his lifetime, was largely requited for his loyalty, said—

“Our loyalty is still the same,  
Whether it win or lose the game,  
True as the dial to the sun,  
Although it be not shone upon.”

We see now a very different race of Tories. We have lived to see a new party rear its head—a monster of a party, made up of the worst points of the Cavalier and the worst points of the Round-head. We have lived to see a race of disloyal tories. We have lived to see Toryism giving itself the airs of those insolent pipemen who puffed out smoke in the face of Charles the First. We have lived to see Toryism, which, because it is not suffered to grind the people after the fashion of Strafford, turns round and abuses the Sovereign after the fashion of—(the remainder of the sentence was lost in the cheers of the House.) It is my firm belief that the party by which the present motion is supported throughout the country desire the repeal of the Catholic Emancipation Act. For what I say, I will give my reasons, which I think are unanswerable. In what other way, am I to explain the outcry which has been raised throughout the whole of the country about the three Papist Privy Councillors? Is the Catholic Emancipation Act to be maintained? If it is to be maintained, execute it. Is it to be

abandoned? If so, openly and candidly avow it. If it is not to be executed, can anything be more absurd than to retain it upon the statute book? The Tory party resent as a monstrous calumny the imputation that they wish to get rid of the Emancipation Act; but the moment that an attempt is made to execute it, even to a small extent, they set up a cry as if Church and State were going to ruin. For the repeal of the Emancipation Act, I can see a reason—in the desire to repeal it, I see a meaning—a baneful meaning—a pernicious meaning, but still a meaning; but I cannot see a particle of reason nor a glimpse of meaning, in the conduct of those who say, “We will retain the Emancipation Act; those who say we desire to repeal it are calumniators and slanderers; we are as sensible of the importance of that Act as any party in the country,” but who, the moment that an attempt is made to execute one jot or tittle of it, exclaim, “No, if you attempt to put the Act in force, we will agitate against you, for we, too, have our agitation; we will denounce you in our associations, for we, too, have our associations; our oracles shall be sent forth to talk of civil war, of rebellion, of resistance to the laws, and to give hints about the fate of James 2nd—to give hints that a Sovereign who has merely executed the law may be treated like a Sovereign who has most grossly violated the law.” I could understand a person who told me, that he had a strong objection to admit Roman Catholics to power or office in England; but how any man who professes not to think, that an invidious distinction should be made between Catholic and Protestant, can bring himself to the persuasion that the Roman Catholics in this country enjoy more than a fair share of official power and emolument, I own passes my comprehension. What is the proportion of Roman Catholics to the whole population of the kingdom? About one fourth. What is the proportion of Roman Catholic Privy Councillors? Perhaps three to two hundred. And what, after all, is the dignity of a Privy Councillor?—what power does the seat of a Privy Councillor, merely as such,



confer? Are not the hon. Gentlemen opposite Privy Councillors? If a change of administration were effected to-morrow, and the right hon. Gentlemen opposite were to come into office, would not those whom they displaced, be still Privy Councillors? In point of fact, the seat of a Privy Councillor absolutely confers no power whatever. Yet, we are seriously called upon to believe, that men, who think it monstrous that this mere futile honorary distinction should be given to three Roman Catholics, do still in their hearts desire to maintain a law by which a Roman Catholic may become Commander-in-chief, with all the promotion of the army in his hands; First Lord of the Admiralty, with all the patronage of the navy—Secretary of State for the Foreign Department, entrusted with all the interests of the country, as connected with foreign states—Secretary for the Colonies, with the whole conduct of our remoter dependencies—or First Lord of the Treasury, possessing the chief influence in every department of the state. I say, therefore, that unless I suppose, that a great portion of the Opposition who have raised throughout England, the cry against the three Roman Catholic Privy Councillors—unless I suppose them more childish, more imbecile than I would willingly suppose any number of my fellow-countrymen to be, I must suspect that the abolition of the Catholic Emancipation Act, is the chief object of a great proportion of that party which now ranges itself in direct hostility to the Government. The right hon. Baronet (Sir R. Peel) is, in my opinion, the same that he was in 1829; but his party, instead of being the same, is worse than it was at that period. The difficulty of governing Ireland, in opposition to the feelings of the great body of the people, is, I apprehend, now as great as ever it was. The right hon. Baronet, last year, was deeply impressed with that difficulty. The impossibility of governing Ireland in conformity with the sense of the great body of the people, and, at the same time, in conformity with the views and opinions of his own followers, is now, I apprehend, as great as ever. What, then, is to be

the end of an Administration of which the right hon. Baronet should be head? Supposing the right hon. Baronet to come into office by the vote to-night, should I be wrong if I were to prophesy that, three years hence, he would be more vilified by the Tory party, than the present Government has ever been? Should I be very wrong, if I were to prophesy, that all the literary organs of his party now forward to sound his praise, would be amongst the foremost, the boldest, and the loudest to denounce him? Should I be very wrong if I were to prophesy that he would be burnt in effigy by the very people who are now clamorous to toast his health? Should I be very wrong if I were to prophesy that the very party who now crowd the House to vote him into power, would then crowd the lobby to bring Lord Melbourne back? Yes, already have I seen the representatives of the Church, and of the Universities of England, crowding the lobby of the House, for the purpose of driving the right hon. Baronet from the place to which they had previously raised him. I went out with them myself, when the whole body of the Tory Gentlemen—all the Representatives of the Church and of the Universities—united to force the right hon. Baronet from the position which he occupied in the councils of his Sovereign. I went out into the lobby, as the right hon. Baronet, the Member for Pembroke (Sir James Graham), will bear me witness, when those Gentlemen went out for the purpose of bringing into power Lord Grey, Lord Althorp, Lord Brougham, and Lord Durham. You may say, that they reasoned ill—perhaps they were weak—perhaps they did not see all that would happen. But so it was; and what has been once may be again. As far as I can see my way, it is absurd to suppose, that the party of which the right hon. Baronet is the head, would be content with less from him than they would take from Lord Melbourne. I believe just the contrary. I believe, that of all men in the world, the right hon. Baronet is most the object of distrust to the party opposite. They suffer him to remain at their head, because his great abili-

ties, his eloquence, his influence are necessary to them; but they distrust him, because they never can forget that in the greatest crisis of his public life, he chose rather to be the victim of their injustice than to be its instrument. It is absurd to say, that that party will never be propitiated by any partition amongst their chiefs of the power or fruits of office. They can truly adopt the maxim, "measures not men." They care not who has the sword of state borne before him at Dublin—they list not who wears the badge of Saint Patrick on his breast—what they dislike, what they are invincibly opposed to, are the two great principles which had governed the administrations of Lord Normanby and Lord Ebrington—justice and mercy. What they want is not Lord Haddington, or any other nobleman of their own party whom the right hon. Baronet (Sir Robert Peel) might appoint to the Viceroyalty of Ireland; but the tyranny of race over race, and creed over creed. Give them this power, and you convulse the empire; withhold it, and you break up the Tory party. Supposing the vote of to-night to be carried in the affirmative, the right hon. Baronet (Sir R. Peel) would not be a month in office before the dilemma of 1829 would be again before him. With every respect for his intentions, with the highest opinion of his ability, I believe that at this moment it would be utterly impossible for him to head the Administration of this country without producing the most dreadful calamities to Ireland. Of this I believe he was himself sensible when he was last year called upon to form an Administration. The state of the empire was not at that time very cheering. The Chartists were abroad in England—the aspect of Canadian affairs was not pleasing—an expedition was pending in the East which had not then ended in success—discontent prevailed in the West Indies. Yet, in the midst of all these troubles, the discerning eye of the right hon. Baronet left him in no doubt as to the quarter in which his real danger lay—he knew 'twas Ireland. The right hon. Baronet admitted that his great difficulty would be in the government of Ireland, 1



believe that the present ministry possessed the confidence of the great body of the people of Ireland ; and I believe that what it does for the people of Ireland, it can do with less irritation from the opposite party in England, than the right hon. Baronet would find it possible to do. I believe that if, with the best and purest intentions, the right hon. Baronet were to undertake the Government of this country, he would find that it was very easy indeed to lose the confidence of the party which raised him to power ; but very difficult indeed to gain that which the present Government happily possessed—the confidence of the people of Ireland. It is upon these grounds, and principally upon the question of Ireland, that I should be inclined to rest the case of the present Ministry. I know well, how little chance there is of finding here or anywhere an unprejudiced audience upon this subject. Would to God that I were speaking to an audience that would judge this great controversy fairly and with an unbiassed mind, and as it will be judged by future ages. The passions which inflame us—the sophistries which delude us, will not last for ever. The paroxysms of faction have their appointed season, even the madness of fanaticism is but for a day. The time is coming when our conflicts will be to others as the conflicts of our forefathers are to us ; when our priests who convulse the State—our politicians who make a stalking-horse of the Church, will be no more than the Harleys and Sacheverells of a by-gone day ; and when will be told, in a language very different from that which now draws forth applause at Exeter Hall, the story of these troubled years. Then it will be said that there was a portion of the empire which presented a striking contrast to a portion of the rest. Not that it was doomed to sterility, for the soil was fruitful and well watered—not that it wanted facilities for commerce and trade, for its coasts abounded in havens marked by nature to be the marts of the whole world—not that the people were too proud to improve these advantages or too pusillanimous to defend them, for in endurance of toil and gallantry of spirit

they were conspicuous amongst the nations—but the bounty of nature was rendered unavailable from the tyranny of man. In the twelfth century this fair country was a conquered province, the nineteenth found it a conquered province still. During the interval many great changes took place in other parts of the empire, conducing in the highest degree to the happiness and welfare of mankind; but to Ireland they brought only aggravation and misery. The Reformation came, bringing with it the blessings of Divine truth and intellectual liberty. To Ireland it brought only religious animosity, to add flame and fuel to the heats of national animosity, and to give, in the name of “Papist,” another war-cry to animate the struggle between England and Ireland. The Revolution came, bringing to England and Scotland civil and religious liberty—to Ireland it brought only persecution and degradation. In 1829 came Catholic Emancipation, but it came too late, and came too ungraciously—it came as a concession made to fear; it was not followed nor accompanied by a suitable line of policy. It had excited many hopes—it was followed by disappointment. Then came irritation and a host of perils on both sides. If agitation produced coercion, coercion gave rise to fresh agitation: the difficulties and danger of the country thickened on every hand, until at length arose a Government which, all other means having failed, determined to try the only means that have never yet been fairly and fully applied to Ireland—humanity and justice. The State, so long the step-mother of the many, and the mother only of the few, became now the common parent of all the great family. The great body of the people began to look upon the Government as a kind and beneficent parent. Battalion after battalion—squadron after squadron—was withdrawn from the shores of Ireland; yet every day property became more secure, and order more manifest. Such symptoms as cannot be counterfeited—such as cannot be disguised—began to appear; and those who once despaired of that great portion of the commonwealth, began to entertain a confident hope

that it would at length take its place among the nations of Europe, and assume that position to which it is entitled by its own natural resources, and by the wit and talent of its children. This, I feel, the history of the present Government of Ireland will one day prove. Let it thus go on; and then as far as I am concerned, I care not what the end of this debate may be, or whether we stand or fall. That question it remains with the House to decide. Whether the result will be victory or defeat I know not; but I know that there are defeats not less glorious than even victory itself; and yet I have seen and I have shared in some glorious victories. Those were proud and happy days—even my right hon. Friend who last addressed you will remember them,—those were proud and happy days when, amidst the praises and blessings of millions, my noble Friend led us on in the great struggle for the Reform Bill—when hundreds waited around our doors till sun-rise to hear the tidings of our success—and when the great cities of the empire poured forth their populations on the highways to meet the mails that were bringing from the capital the tidings whether the battle of the people was lost or won. Those days were such days as my noble Friend cannot hope to see again. Two such triumphs would be too much for one life. But, perhaps, there still awaits him a less pleasing, a less exhilarating, but not a less honourable task, the task of contending against superior numbers, through years of discomfiture, to maintain those civil liberties—those rights of conscience which are inseparably associated with the name of his illustrious house. At his side will not be wanting men who, against all odds, and through all the turns of fortune, amidst evil days and evil tongues, will defend to the last, with unabated spirit, the noble principles of Milton and Locke. He may be driven from office—he may be doomed to a life of opposition—he may be made the mark for all the rancour of sects which may hate each other with a deadly hate, yet hate his toleration more—he may be exposed to the fury of a Laud on one side, and to the fanaticism



of a Praise-God-Barebones—but a portion of the praise which we bestow on the old martyrs and champions of freedom will not be refused by posterity to those who have, in these our days, endeavoured to bind together in real union, sects and races, too long hostile to each other, and to efface, by the mild influence of a parental Government, the fearful traces which have been left by the misrule of ages.

## THANKS TO THE INDIAN ARMY.\*

FEBRUARY 6, 1840.

HE could not refrain from expressing his high gratification at the unanimity of the House on this very interesting occasion, and at the manner especially in which the right hon. Baronet [Sir R. Peel] had expressed himself in reference to the conduct of the British in India. It was not his intention to enter into any of the political questions which might be considered in connection with this expedition, but he wished to make a remark upon what had fallen from the right hon. Baronet in reference to Lord Auckland. The right hon. Gentleman had omitted all mention of a case of the highest importance—the case of Lord Minto—to whom, after the reduction of Java, the thanks of the House were awarded for the part which he had taken in superintending the military arrangements; nor was the right hon. Baronet correct in supposing that Lord Wellesley had only received the thanks of Parliament as Captain-general, since he also received the thanks of the House in connection with the taking of Seringapatam, when he did not act as Captain-general. He quite conceded to the right hon. Baronet the right, and he fully admitted the propriety, of reserving his opinion as to the general policy under which the expedition took place, till the results were known; but his own conviction was, that this great event would be found, in its results, highly conducive to the prosperous state of our finances in India, and that, as a measure of economy, it would be found not less deserving of praise than it confessedly was in a military point of view. He could bear witness

\* Hansard, 3d Series, vol. li. p. 1334–1336.

to some of the circumstances to which his right hon. Friend had alluded. Among many peculiarities of our Indian empire there was no one more remarkable than this—that the people whom we governed there were a people whose estimate of our power sometimes far exceeded the truth, and sometimes fell far short of it. They knew nothing of our resources; they were ignorant of our geographical position; they knew nothing of the political condition of the relative power of any of the European states. They saw us come and go, but it was upon an element with which they were not acquainted, and which they held in horror. It was no exaggeration to state that not merely the common people, but the upper classes—nay, even the ministers of the native provinces—were, almost without exception, so profoundly ignorant of European affairs that they could not tell whether the King of the French or the Duke of Modena was the greatest potentate. Further, he could tell the House this—when he was in India there was a restless, unquiet feeling existing in the minds of our subjects, neighbours, and subsidiary allies—a disposition to look forward to some great change, to some approaching revolution; to think that the power of England was no longer what it had been proved to be in former times. There was a disposition to war on the part of Ava and other states; on every side, in short, there had prevailed a feeling in the public mind in India, which, unchecked, might have led the way to great calamities; but this great event, this great triumph at Ghuznee, acted so signally by the British troops, had put down, with a rapidity hardly ever known in history, this restless and uneasy feeling; and there never was a period at which the opinion of our valour and skill, and what was of equal importance, the confidence in our “star,” was higher than it now was in India. He believed that the right hon. Baronet opposite would find reason to think that all the expense incurred by these thousands of camels and thousands of troops was sound and profitable economy. He had seen something of the brave men who defended our Indian



## THANKS TO THE INDIAN ARMY.

empire, and it had been matter of great delight to him to see the warm attachment to their country and their countrymen which animated them in that distant land, and which added a ten-fold force to the zeal and vigour with which they performed their arduous duties. While he was on this point, let him remark that there was a disposition in that gallant service to imagine that they were not sufficiently appreciated at home; to think that the Indian service was not so highly considered in England as other services not less able, nor performed with less jeopardy, in other countries. It was extraordinary to see the interest, with what gratification, the smallest scrap, the merest line, in an English newspaper, conveying any praise on this service, was received by them, and their delight would be extreme when they came to read the vote of thanks which had been conferred on them unanimously by the House of Lords, and which he trusted would be passed as unanimously by the House of Commons, the more especially accompanied as it was by the testimony to their merits borne by the greatest general that England ever produced. At the same time that this well-merited tribute conferred the highest pleasure on the brave men who shared in the expedition, it would serve as a powerful inducement to every other man in that gallant service to expose himself to every peril and every privation when the interests of the empire required it.

**PRIVILEGE—STOCKDALE *v.* HANSARD—BILL TO  
SECURE PUBLICATION.\***

MARCH 6, 1840.

HE promised not to detain the House for more than a few minutes but he confessed he had listened with so much pain to the expressions of his noble Friend, and of one or two other Gentlemen with whom, during the former proceedings upon this subject, he had most cordially concurred, that he was exceedingly unwilling to allow the question to go to a division without explaining, very briefly, the ground upon which he should give his vote. He had not as yet taken any part in the discussions upon this question. He would not again go over the ground which others had already trod with an ability and eloquence which he was sensible he could only feebly imitate. He would only say, in general, that he believed the House of Commons to be, by the law of the land, the sole judge of its own privileges—that he believed the privilege of publication to be by the law of the realm one of the privileges of the House—that he believed it to be a privilege essential to the due discharge of the duties of the House—that he believed the decision of the Queen's Bench, which attacked that privilege, to have been a decision founded not on law nor on reason, and that he never could give his support to any proposition that he conceived would tend to render that privilege doubtful. If the proposition now before the House were for a law to provide that henceforth this privilege should belong to the House of Commons, to such a proposition he should give the strongest opposition.

\* Hansard, 3d Series, vol. 52, p. 1010-1016.

But such was not the proposition of his noble Friend. He could perfectly understand, that by proposing to enact that such or such should be the right and privilege of the House, a question might be raised as to whether such a right or privilege had previously existed. The declaration that it should exist hereafter might appear to carry with it the implication that it had not existed previously. But the proposition in the present case was altogether different. All that was now proposed was by a new law to provide a new remedy for enforcing an old and well-established and undoubted privilege. He would take instances from cases perfectly familiar to every one. Suppose any Gentleman should propose to bring in a law to provide that a person holding a bill of exchange for a good consideration, should be entitled to have an action against the acceptor of that bill, to recover payment. The consequence of such a proceeding would be to throw into a state of doubt the whole of the negotiable paper current throughout the kingdom. But if, on the other hand, a bill were proposed to this effect—that the means of holders of bills of exchange not being sufficient to enable them to recover payment, therefore other means should, by a new enactment, be extended to them—would any person tell him that a measure of such a nature, acknowledging the right to recover in the fullest extent, but giving to the holders of negotiable papers an additional remedy—would any one tell him that such a measure would, in the smallest degree, bring into question the previously existing right of the holders of bills of exchange to proceed against the acceptors to recover payment? In point of fact, the proposition now before the House was not to provide, by a new law, that the House should have the privilege of publication—not to affect any of the existing remedies which the House already possessed for the vindication of its privileges—but simply to superadd a new remedy. It was not even proposed to substitute the new remedy for the old ones. The bill proposed by his noble Friend left the old remedies abso-



lutely untouched. If, after the passing of this bill, any other person should think fit to imitate the example of Mr. Stockdale, and to set the privileges of the House at defiance, it would be as much as ever in the power of the House to send that person to prison. As he understood the bill, it did not acknowledge, did not in any way imply, that the House would not retain that power. It was founded merely upon this—that the remedies which the House now possessed, were in some respects imperfect, in some respects inconvenient. Did not every Member of the House acknowledge that fact? The noble Lord had referred to conversations which took place out of that House. Was there a single Member of the House who, when he went into the lobby, would hesitate to admit that there were some imperfections—some inconveniences in the remedies which it at present possessed for the vindication of its privileges? Was that a perfect remedy which applied only to one half of the year—which protected the privilege of the House during the sitting of Parliament, but left it wholly unguarded during the recess? Was that a perfect remedy which could only be applied by means of so large and so divided an assembly as the House of Commons? The noble Lord had stated what he thought to be the cause why so many Gentlemen on the opposite side of the House had ranged themselves against, what he conceived to be, the undoubted privilege of the House. But, whatever the cause, could there be any doubt as to its effect? Was there any doubt that there was within the walls of that House, a large body of Gentlemen who had done everything in their power to prevent the House from enforcing its privileges? What had been the loss of time upon this question? Was it not a matter of regret, that more time than had been occupied in the discussion of the most important measures—measures in which the interests of every part of the empire were deeply concerned—had this year been devoted to the discussion of a subject vexatious and troublesome in itself, important no doubt in many particulars,

but singularly likely to be misconstrued and misunderstood by the people? His noble Friend said, he thought it necessary for the vindication of the privileges of the House to imprison the sheriffs; but at the same time he said he acquitted them of all moral blame. Was it not a matter of regret that the House to vindicate itself should be obliged to imprison persons guilty of no moral blame? Was that a convenient course? Let the House consider the case of the sheriff. He was not a person who sought his office—not a person who was fined for his office. He was taken and compelled to serve whether he would or not. He often made great interest to be exempted. “No matter,” said the right hon. Gentleman, “you take him and compel him to serve you—you place him between two opposite forces—he receives commands and counter commands from both—he cannot obey both, and the moment he obeys one he is sent to prison for not obeying the other.” Was that a state of the law desirable to be continued? Was it a state of the law in which the great body of the people were likely to acquiesce? He admitted that the House had no choice in the matter; it was compelled to imprison the sheriffs. He admitted, also, that the noble Lord the member for Lancashire had stated last night, that if the House had not imprisoned the sheriffs, the Court of Queen’s Bench would have imprisoned them. But that fact, so far from being an argument against the course now proposed by his noble Friend, appeared to him to furnish a strong ground in support of it. If a nation were forced to go to war, it was oftentimes compelled to make the innocent suffer with the guilty. If, for instance, there were a small neutral Power situated between two hostile and belligerent nations, however anxious that small power might be to preserve its neutrality, and to keep itself distinct from the quarrels of its neighbours, it would almost inevitably happen, that one or other of the two great Powers would find it necessary for the protection of its own immediate interests, or for the better prosecution of its hostilities, to

encroach on the independence of the smaller State, and to make it an instrument in the advancement of its own views. This was conspicuous during the last war in the case of Holland. We know how little Holland liked Bonaparte—how it detested his continental system, how it hated his dominion—yet we were at last forced to blockade her ports, and to treat her with severity, because it was essential to the preservation of our own interests and our own independence. In the same way did he (Mr. Macaulay) defend the necessity which compelled the House of Commons to send the sheriffs to prison. But he maintained that this was a state of things which rendered it absolutely necessary for the House to resort to some legislative enactment to prevent a recurrence of similar difficulties for the future. He did not understand what a Legislature existed for, if not to meet such cases as these. If there were two powers in the State, neither of which was in the nature of a Court of Appeal from the other—if these two powers gave counter orders to the same officer, and had the power of imprisoning him if he disobeyed—if the officer, distracted between the two, obeyed one and was immediately imprisoned by the other, surely, if ever there was a case in the world for legislative interference, that was one. Nay, he would go further: the Solicitor-General stated last night that the House had the power of commitment; and then went on to contend that all experience had shown that that power was sufficient to enable it to vindicate its privileges. No doubt it would be sufficient, if it were vested in the hands of a party who were ready to exercise it unsparingly and unmercifully. If the House were in all cases to do that, he certainly believed that it would have no difficulty in carrying its point. They all knew how the ancestor of his noble Friend the Member for Cornwall (Lord Eliot) was treated—how he was kept in prison till his spirits, health, and strength gave way—how his imprisonment was continued even to the hour of his death. But in the present day it was impossible for the House



of Commons to pursue so harsh a course. Their own good nature would not allow them to do so. The feelings of the people would not permit them to do so. The very moment that the health or spirits of a prisoner began to suffer, that moment the House began to relent, and either upon the instant, or shortly afterwards, the prisoner was set at liberty. So that when the House possessed itself of a prisoner of a robust and hardy constitution, it might have the power of completely vindicating its privileges, by detaining him in prison till the question at issue was arranged; but if it happened to have a prisoner of a bilious and apoplectic habit, in that case its privileges must be abandoned, or only feebly asserted, because the health of the prisoner suffered from confinement. Even if the health of Mr. Stockdale himself should appear to be seriously affected by his imprisonment, it was certain that he would not long be detained in custody. Under these circumstances, it appeared to him, that the House was absolutely compelled to seek some other mode of protecting and vindicating its privileges. The noble Lord had asked, what would be the effect if this bill should be carried through the House of Commons, and lost in the House of Lords. He hoped that the bill would be carried through both branches of the Legislature. He hoped—most earnestly hoped—that the other House of Parliament would interfere to save the country from the scandals and the horrors that would necessarily follow, if it drove the House of Commons, in absolute self-defence, to use the whole of the extreme power which it possessed for the protection of its privileges. But if the Bill should unhappily miscarry in the House of Lords, then he said this, that the House of Commons would be absolved. They would have gone to the other House, not in a degrading or humiliating manner—they would have said, “We do possess the power of vindicating our privileges—we have the power, if we please, of throwing the whole of the country into confusion—we can stop the supplies—we can stop the Mutiny Act—there is no

power which any political body can possess which we do not possess—we have the power of imprisoning every man who invades our privileges—we can commit every judge in the country, not being a peer, if he do not respect our privileges. We have the power of confining every ministerial officer who shall execute the sentence of any court, if that sentence be at variance with our privilege; but it is not our wish, by means like these, to enforce even the most necessary of our privileges. We apply for a new remedy, not because we have not in our power remedies that are sufficiently stringent and effective, but because those remedies are such, that some of them cannot be applied without the dissolution of society, and a cruel pressure upon individuals; we have remedies sufficiently severe—we look to you, my Lords, to assist us in adopting one of a milder nature; we have remedies sufficiently powerful to enable us to attain our ends, but which, from their severity, would be disagreeable to the great body of the people—we ask you, my Lords, to give us a remedy which the whole of the people, without exception, will unite in approving.” He believed that by going before the House of Lords in that manner, they would have the post of no mean suitors. He believed that there would be nothing degrading on the part of the House of Commons, in bringing forward a measure the object of which was to secure the liberties of the people, and at the same time to enable the House to act with greater lenity in all its dealings with those who, from the misfortune of their situations, or from some other cause over which they had little or no control, had been guilty of violating its privileges. He believed that, if the House of Lords refused to give its assent to such a measure, the House of Commons would then be fairly supported by public opinion in the adoption of measures much stronger than any to which it had yet resorted. He believed that measures stronger even than those suggested by the hon. and learned member for Dublin, would find a support out of the House greater than was

imagined by any who sat within the House, if, having proposed a mild remedy for the protection of its privileges, the House should be told by the Lords, that to that mild remedy they would not give their **assent**.



## THE ARMY ESTIMATES.\*

MARCH 9, 1840.

HIS noble Friend (Lord John Russell) had relieved him from the necessity of making some remarks which otherwise he should have thought necessary in reply to the speech of the hon. Member for Kilkenny. He should, therefore, at present only say that any person who had heard that speech, and who was unacquainted with the previous transactions of the country, would have been very slow to believe that the military establishment proposed this year was actually lower in men and charge than that for which the hon. Gentleman himself both voted and spoke. It was only on the 2d of August last, when his noble Friend proposed a supplemental estimate of 75,000*l.* and an addition of men amounting to 5,000, that the hon. Gentleman declared he would not take on himself the responsibility of refusing that sum of money and those men, which his noble Friend declared necessary for the peace and honour of the state. He should be glad to know why the arguments which the hon. Gentleman had used that evening might not, on the 2d of August last year, have been urged with equal effect. All the hon. Gentleman had said respecting the refusal of justice to Canada, all he had said as to the refusal of justice to England, all he had said of those monopolies, some of which he, like the hon. Gentleman, disapproved, as pressing severely on the people of this country, and all he had said as to the condition of the country, might be said exactly with equal propriety and effect on the 2nd of August last year, as it was now. In bringing

\* Hansard, 3d Series, vol. lii. p. 1087-1096.

forward the estimates, which he should have the honour of proposing to be laid on the table, he should have the satisfaction, at all events, of thinking that he could not be found liable to the charge of profusion, if the Hon. Gentleman was acquitted of it. The estimate brought forward by his noble Friend, the Member for Northumberland, in February, was 6,119,068*l.* To that sum, in August, was added 75,000*l.*, making the whole charge 6,194,068*l.* The whole charge this year would be 40,000*l.* more; but in this sum there was included a considerable charge for Indian troops, which would be defrayed out of the Indian revenues. The whole force estimated in February, 1839, including the force for India, was 109,818 men, and this year it was 121,112, making an addition of 11,294, but of these 7,746 were employed in defence of India, and chargeable on the revenues of that country. There remained an increase of 3,548 to be added to the 5,000 men voted last August. The additional force that he should have to propose was 4,088. It might be proper to explain the mode in which this addition was made, and the more so, because it would refute, he thought, conclusively, an invidious insinuation of the hon. Member for Kilkenny. About 500 were to be added by an increase of three companies to the 1st West-Indian regiment, and he trusted that such a sum as was requisite would not be refused for raising a force which would spare our own countrymen from the hardships inseparable from foreign service. About 102 men were provided for Malta, which the local authorities declared to be absolutely necessary, not only for the garrison but for port-guard. A small militia (so to speak) was required for Bermuda. It was thought desirable that a portion of the youth of Bermuda should be formed, not as a separate company, but as a sort of body appended to the best troops from England, and thus initiated in the best system of military discipline; and after having been for some time so attached, to return to the mass of the population, being relieved by a new set of young men. So that, in the course

of a few years, every man would be trained to the use of arms, and be capable of bearing them should the public service require it. In this manner was made the addition of 500 men which he had spoken of. The remaining addition was made by 65 men being added to every one of the 81 battalions of infantry in the United Kingdom; thus raising each from 835 to 900 men. These 65 men consisted of 4 serjeants, 4 corporals, and 57 privates. To every one of the 20 battalions engaged last year in India 250 men were added, raising each from 853 to 1,103 men; and, lastly, of the two battalions transferred to India, the increase was made from 835 to 1,103, being an addition of 268. And now he wished particularly to call the attention of the House to this circumstance, because the hon. Gentleman the Member for Kilkenny had said, he had observed that every Government had an interest in proposing an increased force, because it placed at their disposal many comfortable things. Now the whole additional regimental charge for the increase to the 81 battalions he had referred to, did not afford the Government or the Horse Guards, the means of obliging a single acquaintance, or conferring a favour on one ten-pound householder. He wished the House to understand, that if the number of 4,408 which were to be added to the army, were struck off, no means of disarming opposition, or gaining support, would be taken away from the Crown. If any Gentleman took the trouble of looking through the different ranks of the service, he would find that the charge for officers this year was diminished by 2,000*l*. The only addition to the foreign force which would come out of the revenues of this country was the three additional companies added to the 1st West-Indian Regiment. Of the 121,112 men, who it was proposed should compose the military establishment, 28,213 would be charged on foreign revenue, leaving 92,899, for whose maintenance this country was to provide. This estimate was somewhat confused, by having included in it 572 men, who were not actually charged on this country, but who, as



recruiting companies of Indian regiments, were included in the Mutiny Act. Any man disposed to approve of this measure, would have no difficulty in approving of the many parts of the estimate which contributed to it. The increase in the force sufficiently explained the increase in the regimental charge in the medical department, and the small increase for religious books and tracts granted to the soldiers. Considering that 20,000 men had been raised within the last year, that the applications for works of this nature had been numerous and pressing, and the assistance of benevolent societies not sufficient to supply this want, he thought he was justified in allotting 200*l.* to this purpose. Here was one item about which he believed it was usual to make some statement, and he should say a few words respecting it. As to the good-conduct pay, there was not an increase but a diminution. The full effect of it would not be felt until 1843. The principle of a good conduct-warrant was this, that a soldier who had behaved well during seven years, received an additional 1*d.* a-day to his pay. Every soldier, since 1836, had the option of calling the old additional pay the good-conduct pay. The former was superior in this respect, that it could not be taken away unless by court-martial, and it was no less honourable than secure, for the soldier entitled to it had the power of wearing the good-conduct badge. The consequence was, that in 1840, at which time the soldiers enlisted in 1833 would have completed their seven years, we might expect a considerable addition to the soldiers receiving good-conduct pay. But it was not until 1843 that the effects of the new system, which he confidently expected would be found highly beneficial, could be ascertained. The number of the men wearing the good-conduct badge was about 13,000. He had felt it necessary to make a slight addition to the article of provisions, forage, &c. This he had estimated at 245,000*l.*, and he saw little reason to expect a falling off in that charge. The reason was this : It was known to the committee that the Australian colonies

had suffered severely from calamities, which seemed to be a set off against the physical blessings with which they were endowed. The men had suffered from the effects of a most cruel drought; they had been excluded from the benefits of tea, and of vegetables in their soup, and in consequence of the high price of provisions they had been reduced from three to two meals a day, one of which was scanty and unpalatable, consisting only of oatmeal. These privations had fallen with the utmost cruelty upon those to whom our gallant men were most attached, and the medical men reported that the effects of the scarcity were visible upon the women and children attached to the regiments. Under these circumstances, it would be impossible to maintain proper and efficient discipline, and therefore, if even all considerations of humanity were discarded, policy alone would dictate attention to that point. In fact, to a certain and partial extent, discipline had already given way, and in one regiment the crime of theft had spread to some extent. It was, in consequence, therefore, of the distress which the gallant and deserving men serving in the colonies had suffered that he had made this addition of 5,000*l.* to the estimates. In the estimate there were three charges upon which, as they were perfectly new, it would be necessary to enter somewhat into detail. The first was a charge of 3,500*l.* for schoolmistresses. He saw some of his hon. Friends near him smiled, but they were perhaps not aware, as indeed he himself was not until a few weeks ago, of the strong reason there existed for this charge. The number of female children actually accompanying our regiments, was not less than 10,000. Those children were in the most emphatic manner called "the children of the State." For the public service they were hurried from place to place—from Malta to Gibraltar, from Gibraltar to the West-Indies—from the West Indies to Halifax, as the common weal might require. It would, therefore, be inexcusable if we did not provide these, at a small expense, with some means of instruction. Ever since 1811 a

schoolmaster had been attached to every regiment, and he thought that there should be a dépôt for the instruction of female children also, under the superintendence of a schoolmistress, who might be probably the wife of a serjeant, and whose duty would be to instruct them in reading, writing, needlework, and the rudiments of common knowledge; with such simple precepts of morality and religion as a good plain woman of that rank might be supposed capable of imparting to them. The next vote to which he had to call the attention of the committee was 10,000*l.* for the formation of a veteran battalion in Canada, where desertions had occurred to an extent unknown elsewhere. About six years ago an inquiry had been made, and it was found—there being there at that time 2,500 rank and file—that desertions had taken place to the number of 663, while, during the same period, the desertions from the whole British army had been only 2,240. These desertions in Canada had not been confined to bad and disreputable characters—non-commissioned officers and men of respectability and good conduct had deserted. Nor was this symptom of desertion to be ascribed to distress, for many had gone away leaving behind them their necessities and arrears of pay. Why desertion should take place more frequently in North America than in any other part of the empire it was not difficult to explain. In this country, the situation of the soldier was as comfortable, he might say more so, than that of the labourer, to which class generally the soldier belonged. In many of the colonies physical difficulties opposed themselves to flight. When in Malta, the soldiers were surrounded by sea; when at the Cape, they could only escape from their quarters to fly to the dwellings of savages; and as to India, he could imagine no situation more miserable than that of a deserter in that country, wandering amidst its vast regions, amongst a people of a strange race and colour, and his footsteps pursued by the power of British law. But with respect to the American colonies, the case was widely different. There



the facilities of escape to the United States were many, and the temptation strong. The soil was flourishing, and the wages of labour high. The consequence was that the high wages, but still more the exaggerated representations that were put forth of the ease and luxury enjoyed by the labourer in America, had constantly drawn away our soldiers from Canada. Several plans had been proposed for meeting this evil. It had been proposed, and he thought wisely, that Canada should be the last point in rotation, to which the troops on colonial service should be sent. There would then be a great number of men with additional pay and good conduct pay, and those higher advantages would tend to keep the men faithful to their colours. It had also been thought that advantages would arise, and the temptation to which he had adverted be counteracted, if the Government were to hold out to the oldest and most tried of the troops in Canada a sort of military retirement, which should serve as a reward to those who remained faithful to their colours. Such had been the opinion of his noble Friend, the late Secretary at War, and of Lord Seaton, and he had reason to believe that that opinion was generally entertained amongst those who possessed the best information upon the subject. The precise details of the plan had not yet been made out, and much correspondence must take place before it could be produced; but as it was not improbable that, before the House again assembled, some regiments would be removed from Canada, it would be desirable that some men of good character should be induced to remain there. On these grounds he was induced to ask the House for the additional grant of 10,000*l.* on account. There was also a sum of 5,000*l.* on account, for the purpose of forming a corps for service in St. Helena—a place which required to be defended not according to the ordinary system. The whole charge for the land force then was 3,511,870*l.* for the present year. That applied for last year, including the supplemental estimate, was 3,496,382*l.* 11*s.* The increase, there-

fore, on this part of the charge was 15,487*l*. He now came to the staff, in which, in the Home Department, there was an increase, but a corresponding decrease on the foreign staff. On the whole there was an increase of about 550*l*. the reasons for which were to be found in the state of the provinces of New Brunswick and Nova Scotia, where it had been thought desirable that that which had hitherto been a major-general's command should be changed into a lieutenant-general's command, and it was thought that, in consequence of the high responsibility attached to that station, it should be filled by an officer of great talents, and receiving additional pay. Why the charge for Canada was increased, it was unnecessary for him to state. He did not know whether hon. Gentlemen were aware how this part of the estimates was formed—they were framed from the actual expenditure of the last year of which they had the accounts—thus the estimate for 1839 was framed upon that of 1837, and that of 1840 upon that of 1838. With respect to Jamaica, the addition was occasioned by the refusal of the Assembly to vote those allowances which used to be considered as matters of course. The whole charge for the staff in 1839 was, in round numbers, 155,000*l*., while that for the present year was 164,000*l*. being an increase of 9,000*l*. He was sorry to say, that in consequence of the haste with which these estimates had been prepared, there was an error in the third line of the page, containing the head Public Departments. The item stood there at 5,016*l*. 17*s*. 6*d*., but it ought to be 6,016*l*. 17*s*. 6*d*. With respect to the Royal Military College, it was unnecessary for him to say anything; and with respect to the Royal Military Asylum, the estimate for this year was 16,701*l*. 9*s*. 8*d*., while that for last year was 17,486*l*. 3*s*. In the next item there was an increase; it was in the charge for volunteer corps. The vote for last year was 79,136*l*. 18*s*., while that he asked in the present estimate was 92,993*l*. This had arisen from the expenses of calling out the yeomanry in aid of the civil power. He believed

all would admit that, in the trying scenes of last year, the yeomanry exhibited all the valour and firmness for which those corps were distinguished; but in no instance, he believed, had they behaved with rigour and harshness, or otherwise than with propriety and discretion. While, then, the whole charge for effective estimates for last year was 3,807,073*l.*, the charge for the present year was 3,845,450*l.*; being an increase of 39,377*l.* He now came to the non-effective estimates. Under the head of Rewards for Service, there was a small reduction. The amount in 1839 was 16,041*l.* 18*s.*; while for the present year it was 15,815*l.* 10*s.* 1*d.*, being a decrease of 226*l.* The pay for unattached general officers last year was 102,000*l.*; this year it was 92,000*l.*, being a reduction of 10,000*l.* The number of general officers deceased who had received that pay last year was fifteen, and the number promoted to regiments nine. The number of Chelsea pensioners had decreased upwards of 1,000, and he understood there was a balance in the hands of the hospital, and he thought they might venture to make a reduction of 16,667*l.* Before he sat down, he could not help making some few observations on what had fallen from the hon. Member for Kilkenny. He knew well how zealous that hon. Gentleman was in the cause of economy; but he must be permitted to say that that hon. Gentleman had never given a vote so truly in favour of the cause of economy and of civil liberty, as when last August he voted for the increase of the army by 5,000 men, by which he now proposes to reduce it. He believed that that was a just and an economical vote. He had never for a moment doubted, that on any great crisis that might befall this country, the force marshalled on the side of law and order would be found to be irresistible, and that this great country never could be given over to the hands of freebooters; but at the same time, when he considered the wealth of our great cities, it was not utterly impossible that a mob, exacerbated and infuriated by dishonest leaders, might have inflicted calamities that might



have led to a crisis which the ingenuity and good fortune of years could scarcely have effaced. Once and once only, had this great metropolis been in the power of a mob, who for a short time had shown themselves to be stronger than the law, and that was on the occasion of the No Popery Riots in the time of Lord George Gordon. It was a matter of history that, at that time, a sum was awarded for compensation for injuries done to a single house, in a single street, greater in amount than that which was voted last year for the additional 5,000 men. Therefore he would repeat that the hon. Member for Kilkenny had never given a more economical vote than he did in the August of last year. It had been well remarked by Adam Smith, that though standing armies were found hostile to the liberty of the subject, yet that principle must be laid down with qualification. He believed that the remarks of that great man upon this subject were both ingenious and just. He believed that the question before the House a few months ago was simply, whether the force should be increased, or whether the Government should revert to the policy that had been tried by the administration of Mr. Pitt. He would say, then, that whoever voted on that occasion for that increase of force, voted for the House of Commons itself—for the freedom of the people—for the liberty of the press—for the security of property—in fact, for all the characteristics of a free state. Firmly was he convinced that the most happy and beneficial effects flowed from that vote. Nothing had since occurred that could justify her Majesty's Ministers in diminishing their means or their power of upholding and maintaining intact and uninjured the peace, the honour, the dignity and security of this realm. He therefore would place the vote in the hands of the Chairman, with the strongest confidence that it would receive the approbation of the Committee. The right hon. Gentleman concluded by moving, "That a number of land forces, not exceeding 93,471 men (exclusive of the men employed in the Territorial Possessions of the East India Company), compris-

sioned and non-commissioned officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 1st day of April, 1840, to the 31st day of March, 1841."

## THE WAR WITH CHINA.\*

APRIL 7, 1840.

IF the right hon. Baronet (Sir J. Graham), in rising as the proposer of an attack, owned that he felt overpowered with the importance of the question, one who rose in defence, might certainly, without any shame, make a similar declaration. And he must say, that the natural and becoming anxiety which her Majesty's Ministers could not but feel as to the judgment which the House might pass upon the papers which had been presented to them, had been considerably allayed by the terms of the motion of the right hon. Baronet. It was utterly impossible to doubt the power of the right hon. Baronet, or his will to attack the proceedings of the present Administration; and he must think it a matter on which her Majesty's Ministers might congratulate themselves, that, on the closest examination of a series of transactions so extensive, so complicated, and on some points so disastrous, such an assailant could produce only such a resolution. In the first place, the terms of the resolution were entirely retrospective, and not only so, but they related to no point of time more recent than a year ago; for he conceived that the rupture between this country and China must date from the month of March, 1839, and there had been no omission and no despatch of a later date that could have been the cause of the rupture of our friendly relations. He conceived, therefore, that the present resolution was one which related entirely to past transactions, and while he did not dispute the right of the right hon. Baronet to found a motion, or the right of the

\* Hansard, 3d Series, vol. liii. p. 704-720.



House to pass any vote censuring any bygone misconduct on the part of her Majesty's Ministers, he must at the same time feel gratified that the right hon. Baronet did not censure any portion of the present policy of the Government, and that he did not think fit in the present motion to raise any question as to the propriety of the measures, which, since the year 1839, her Majesty's Ministers had adopted. He saw, also, with pleasure that the right hon. Gentleman charged the Administration with no offence of commission; that he imputed to them no impropriety of conduct, no indiscretion, no step which had either lowered the national honour or given to China any just cause of offence. All the complaint was, that they had not foreseen what circumstances might by possibility arise, and that they had not given power to the representative of her Majesty to meet any such unforeseen circumstances; and he must say that such a charge was one which required, and which ought to receive, the most distinct, the fullest, and the most positive proof, because it was of all charges the easiest to make, and the easiest to support by specious reasoning, and, at the same time, it was one of the most difficult to refute. A man charged with a culpable act might defend himself from that act, but it was not possible in any series of transactions that an objection might not be made, that something might not have been done which, if done, would have made things better. The peculiarity of the case then before them was, that a grave charge had been brought against her Majesty's Ministers, because they had not sent sufficient instructions, and because they had not given sufficient power to a representative at a distance of fifteen thousand miles from them; that they had not given instructions sufficiently full, and sufficiently precise, to a person who was separated from them by a voyage of five months. He was ready to admit, that if the papers then on the table of the House related to important negotiations with a neighbouring state, that if they related, for instance, to negotiations carried on in Paris, during which a courier from Downing-street

could be dispatched and return in thirty-six hours, and could be again dispatched and again return in as short a period; if such were the nature of the facilities for the parties negotiating, he would say without hesitation that a foreign secretary giving instructions so scanty and so meagre to the representative of the British Government was to blame. But he said, also, that the control which might be a legitimate interference with functionaries that were near, became an useless and a needless meddling with the functionaries at a distance. He might with confidence appeal to Members on both sides of the House who were conversant with the management of our Indian empire, for a confirmation of what he had stated. India was nearer to us than was China; with India, we were better acquainted than we were with China, and yet he believed that the universal opinion was, that India could be governed only in India. Indeed, the chief point which occupied the attention of the authorities at home was to point out the general line of conduct to be pursued; to lay down the general principles, and not to interfere with the details of every measure. If hon. Members only thought in what a state the political affairs of that country would be if they were placed under the sole guidance of a person at a distance of even less than 15,000 miles, they would at once see how absurd such a proposition was. They would see a dispatch written during the first joy at the news of the peace of Amiens received while the French invading army was encamped at Boulogne. They would find a despatch written while Napoleon was in Elba, arriving when he was the occupant of the Tuilleries; and they would have positive instructions sent whilst he was in the Tuilleries to come into operation when he was removed to St. Helena. In India, also, occurrences were continually and rapidly taking place, so that the state of things in Bengal or in the Carnatic would have changed long before the specified instructions could have arrived, and they all knew that the great men who had retained for us that country, Lord Clive and Lord Hastings, had

done so by treating particular instructions from a distance as so much waste paper ; if they had not had the spirit so to treat them, we should now have no empire in India. But the state of China made a stronger case still. Nor was this all. With regard to India, a politician sitting in Leadenhall-street, or in Cannon row, might not know the state of things at the distance of India, but he might be acquainted with the general state of the country, its wants, its resources ; but with regard to China it should be recollected that that country was not only removed from us by a much greater distance than India, but that those who were permitted to go nearest knew but little of it ; for over the internal policy of China a veil was thrown, through which a slight glimpse only could be caught, sufficient only to raise the imagination, and as likely to mislead as to give information. The right hon. Baronet had honourably told the House that the knowledge of Englishmen residing at Canton resembled the notions which might be acquired of our government, our army, our resources, our manufactures, and our agriculture, by a foreigner, who, having landed at Wapping, was not allowed to go further. The advantages of literature even, which in other cases presented an opportunity of holding personal intercourse as well as looking into the character and habits of remote ages, afforded but little help in the case of China. Difficulties unknown in other countries there met the student at the very threshold ; so that they might count upon their fingers those men of industry and genius, one of whom had been referred to that night, who had surmounted those difficulties, which were unequalled in the study of any other language which had an alphabet. And under these circumstances, with a country so far removed, and yet as little known to the residents at Canton itself as the central parts of Africa—under these circumstances, he said, in spite of the jeers of hon. Gentlemen opposite, the Secretary of State for Foreign Affairs could not be expected to give the same precise instructions to the representative of his Sove-



reign as he could to our Ministers at Brussels or the Hague. This was evidently the feeling of the Government of Earl Grey, of that Government to which the right hon. Baronet belonged, and for the acts of which he claimed, and rightly claimed, a full share of responsibility. The instructions, to which the right hon. Baronet was a party, did not go into detail—they laid down the broadest general principles—they simply told the representative of her Majesty to respect the usages of China, and to avoid by all means giving offence to the prejudices or the feelings of the Chinese. As for precise instructions, they never gave any. When the Duke of Wellington came into office, that great man, well versed as he was in great affairs, and knowing as he did, that even a man of inferior ability on the spot could judge better than the ablest man at a distance of 15,000 miles, in the only despatch which he addressed to a resident at Canton, contented himself with referring the Superintendent to the instruction of Lord Palmerston. Now, what he wished to impress on hon. Gentlemen was, that when charges were brought against the Government of omitting to give instructions, or omitting to empower our representative, or that by this omission had been produced a great and formidable crisis in the relations between this country and China, this charge ought to be sustained by the clearest, by the fullest, and by the most precise proof that such was one of the causes, if not the principal cause of such a crisis, and that proof the right hon. Baronet in the course of his long and elaborate speech had altogether failed to give. He had selected from the evidence on the table a great mass of information that was interesting, and much that was by no means applicable to the only point on which the present motion could rest. What were the omissions in the instructions and in the power given to our representative? The right hon. Baronet had read some despatches of the East India Company in 1832; and he had also discussed the conduct of Captain Elliott subsequent to the rupture; but he conceived that neither the one nor

the other was before the House ; that he had entirely forgotten to notice what act the Government might have done which it had not, and which might have prevented the present unfortunate position of affairs. What, however, were the omissions of which the right hon. Baronet complained ? They were four in number. First, that the Government had omitted to correct a point in the Order in Council, which directed the Superintendent to reside in Canton ; secondly, that they had omitted to correct the Order in Council on the point which showed the Superintendent a new channel of communication with the Chinese government ; thirdly, that they had omitted to act upon the suggestion of the memorandum made by the Duke of Wellington to keep a naval force in the neighbourhood of Canton ; and, fourthly, what was most important of all, that they did not give sufficient power to the superintendent to put down the illicit trade. He believed that there was not one other omission specifically mentioned in the able speech of the right hon. Gentleman. With regard to the first omission, the answer was simple. It was true that the order in council, directing the superintendent to reside at Canton, had not been revoked by her Majesty's Government. But it was also true, that no dispute as to the residence of the superintendent had anything to do with the unfortunate rupture ; it was true that that dispute was perfectly accommodated. Captain Elliott said, in a letter dated Macao, March 18, 1837 :—

“ My Lord—A ship upon the point of sailing for Bengal, affords me a prospect of communicating rapidly with your Lordship, by the means of an overland mail of May. I seize this opportunity to transmit the translation of an edict, just procured through a private channel, containing the imperial pleasure, that I shall be furnished with a passport to proceed to Canton for the performance of my duties. The official notification may be expected from Canton in the course of a few days. For the first time in the history of our intercourse with China, the principle is most formally admitted, that an officer of a foreign sovereign, whose functions are purely public, should reside in a city of the empire. His Majesty's Government

may depend upon my constant, cautious, and earnest efforts to improve the state of circumstances. I have, &c.

(Signed) ' CHARLES ELLIOTT.'

Therefore, this point of omission which the right hon. Baronet made an article of charge against the Government was no charge at all; for two years before the rupture the point had been fully conceded in the most formal and honourable manner by the Chinese authorities. And he would venture to say, that in no subsequent letter was there any document which indicated that the place of residence of the superintendent was any point in question. Therefore, he said with confidence, that the first of the right hon. Baronet's omissions had not any groundwork on which it could rest. The second charge was, that the Government did not alter the order in council to direct the superintendent as to his future communications with the Government, and did not tell him not to communicate as the supercargos used to do with the Chinese Government. To that alleged case of omission the answer was, that the Chinese Government had fully conceded the point. Negotiations had taken place between Captain Elliott and the Chinese authorities, and the dispute was, in fact, at an end. As to the question which arose, it was about the use of the word "Pin;" the point was easily answered, because Captain Elliott did not adhere to the construction which was put upon it. He must say, that Captain Elliott, acting under the discretion which it was absolutely necessary that every Government should give to their officers at a distance, had given up the point of superscription, and, therefore, the second omission imputed to the British Government by the right hon. Baronet had nothing to do with the present state of affairs. The third charge brought forward was, that the Government had not provided a vessel of war to be stationed upon the Chinese coast to be ready to act upon any emergency which might arise. What was the recommendation of the Duke of Wellington,



in reference to this very subject? It was, that a vessel of war should be off Canton ready to act until the trade of the British merchants should return to its proper channel. He wrote in reference to the state of things which existed at that time, but there was not one syllable in the despatch of the noble Duke which showed that that advice should extend beyond the continuance of the existing circumstances. His Grace said, that he should recommend that, until trade should resume its ordinary course, there should always be within reach of Canton a stout frigate or vessel of war ready to act in case of necessity; but this charge was not made until four years after that advice was given, in the course of which Sir George Robinson had declared that affairs had been restored to their usual condition. The Duke of Wellington recommended that the frigate should be there only until trade should take its regular course. The right hon Baronet had told the House that, subsequently to that, Sir George Robinson had brought about a peaceable state of affairs; and then, after that, when circumstances had occurred which he would venture to say no human mind could have foreseen, it was wondered at, and fault was found, that no vessel was at the spot pointed out. He was confident that nothing was contained in any of the Duke of Wellington's prior despatches which could be taken to exhibit any desire on his part that there should be a naval force constantly upon the Canton station, to await any calamitous event which might take place. Then he came to the fourth charge, which he thought was the most important; for those to which he had already referred he conceived that there existed no ground whatsoever. The fourth point was, that the English Government, having legal authority to do so, had omitted to send to the superintendent at Canton proper powers for the purpose of suppressing the illicit trade which they knew was carried on there. In the first place, during a considerable portion of time since the present administration had been in office, there were stronger reasons in existence than there had been

in the time of Lord Grey, or when the Duke of Wellington was Minister for Foreign Affairs, against sending over such powers. There was this plain and obvious reason, that down to the month of May, 1838, the Foreign Secretary had very strong reasons to believe that it was in the contemplation of the government of China immediately to legalize the opium trade, which had undoubtedly been carried on in disobedience to the existing law. It was quite clear from these papers, though it was not easy to follow all the windings of Chinese policy, that in 1836, the attention of the government of that country was called in a very peculiar manner to the opium trade. The system under which that trade had been carried on was this—it had been prohibited by law, but connived at in practice. The Chinese Government appeared to think that a worse state of things could not exist; that it produced all the evils of a contraband trade; that it gave rise to as much intemperance as if there were no prohibition; and, what they looked upon with equal regret, that the exportation of silver was likewise as great as if there was no prohibition upon it. That the then existing system could not last, seemed to have been the opinion of the Chinese authorities. Tang-Tzee, the able and ingenious President of the Sacrificial Offices, who he was sorry to perceive had been dismissed, because dismissal in China, he believed, was a much more severe punishment than in England, had argued that it was unwise to prohibit the introduction of the drug; that if it were desired by the people, whatever might be the abuse of it by intemperance, no prohibition could keep it out; and that as both the revenue and the morals of the people would suffer by the continuance of a contraband trade, it was desirable to make the trade legitimate, and tax the importation of the article. But Tchu-Sung appeared to be one of that class of statesmen, who, when they found that the laws were rendered nugatory, and that it was impossible to carry them into execution by altering their machinery, and by opposing public feeling, made them more stringent.

Tchu-Sung informed the Emperor that he had discovered in the course of his ministerial studies that the mode in which Europe had established her empire in several parts of Asia was, by the introduction of opium, which so weakened the intellect and enervated the bodies of the inhabitants, that they were easily pounced upon and made prisoners of by the Europeans. The opinion that the trade would be legalized was entertained by Captain Elliott, and he could himself vouch for the fact, that the mercantile community of Calcutta, during a part of the year 1837, decidedly believed that notification of the authorisation of the traffic by the Chinese government might be expected from day to day. It was not until the month of May, 1838, that a despatch arrived at the Foreign office, interfering with, or putting an end to that expectation. That being the case, it was not strange that his noble Friend, the Secretary for Foreign Affairs, should have hesitated to send out an order to put down a trade which he had every reason to believe would have been made legitimate before such order could have reached the Chinese seas. But he (Mr. Macaulay) did not think it would have been at all desirable or right that such an order should have been sent out even in 1838. He thought that that House would have required of the Government a very clear account indeed, a very strong proof of the necessity or policy of such order, and that if they could not have furnished that proof the House would have been justified in calling them to a sharp reckoning for sending out powers to the Superintendent authorising him to seize and send home any British subject who should have been found carrying on a trade which that superintendent might have prohibited. Without meaning to deny that there were extreme cases which authorised extreme powers, he must say, that he conceived such powers as these were not to be lightly granted by any British Minister. He certainly should be convinced, before he agreed to a vote of censure upon any Government for not granting them, that, in the first place, there were grounds for supposing them to



have been absolutely necessary ; and in the next, that their having been withheld was the cause of the unfortunate circumstances in which we were now placed with regard to China. He, however, felt satisfied, that whether their powers had been granted or withheld, those unfortunate circumstances would have taken place : nay more, he ventured to say, that if those powers had been granted we should now find ourselves involved in hostilities with China under circumstances of peculiar calamity and national dishonour. With regard to the practicability of carrying the order, if it had been given, into effect, he must say, that it would have been impossible to put down the trade, except by the exertions of the Chinese themselves. The right hon. Baronet was far too experienced a member of the Government to suppose that, to suppress a lucrative trade, it was only necessary to issue a written edict. In England we had a preventive service, which cost half a million of money, which employed 6,000 effective men, and upwards of fifty cruisers, and yet every one knew well that every article which was reasonably portable, which was much desired, and on which severe duties were imposed, was smuggled to a very great extent. It was known that the amount of brandy smuggled had been ordinarily 600,000 gallons every year, and of tobacco an amount not much less than the whole quantity regularly imported through the Custom-house, was conveyed into the country by clandestine means. It has been proved, also, before a Committee of the House that no less than 4,000,000lbs. of tobacco had been smuggled into Ireland in opposition to the most effective preventive laws which existed in the world. Knowing this—knowing that the whole power of King, Lords, and Commons could not put an end to a lucrative traffic ; could the House believe that a mere order could put a stop to the trade in opium ? Did they suppose that a traffic supported on the one hand by men actuated by the love of a drug, from the intoxicating qualities of which they found it impossible to restrain themselves ; and on the other, by persons actuated by

the desire of gain, could be terminated by the publication of a piece of paper signed "Charles Elliott." There never was a stronger proof of the impotence of Chinese power to keep out an article of traffic than that afforded by the year 1839. If the trade could have been stopped by them, it was impossible to suppose that Mr. Commissioner Lin would have caused the seizure of certain individuals, against some of whom there existed mere suspicion, whilst against others there was no hesitation in supposing that there was not the slightest ground for believing them implicated in the traffic which had been carried on. Could it be supposed even that if the orders of Elliott had failed, the preventive service of China, had it been as effectual and as trustworthy as our own, would have been able to overcome the affection of the opium-eater for the drug upon which he feasted, or the longing of the merchant for the profit which he obtained? If it could not be supposed to produce so good a result, he would ask whether it were to be considered that it would produce no effect at all? He believed that it would, and that the effect would have been this—that it would have driven the opium trade from Canton; but would have spread it throughout the coast of the whole country. The traffic would not have been carried on, indeed, any longer under the very eye of the commissioner, or in such a manner as that the traders might afterwards be called upon to answer for their offences in some English court, but they would remove from Canton, where an English society being collected, their proceedings would be watched with unremitting jealousy, but they would have found that the lawless trade would have been carried on all along the coast, by means infinitely more lawless than those which had been already adopted. The traders would have gone to a distance from the great port, the whole east coast would have been covered with smugglers, and in their efforts to secure the object which they had in view, they would have undoubtedly come in contact with the local authorities, who would be unaccustomed to deal with European traders;

the *mala prohibita* of a contraband traffic would be converted into the *mala per se*, and smuggling would be turned into piracy, a crime of a much more heinous description. If under the eye of an English society—consisting certainly of persons, some of whom were suspected of being concerned in the trade, but many of whom were of the highest respectability—the traffic could not long be carried on without producing acts having some appearance of piracy, what could they expect when no man would have any judge of his own conduct but himself? It would be found that men being congregated in vessels for the purpose of carrying on the trade, would land for the purpose of procuring fresh supplies of provisions; that their demands would be refused; that they would attempt to seize them; wells would be poisoned, or four or five sailors, perhaps, going to fill their water casks, would be captured, and that the demand for their liberation not being complied with, their comrades would proceed to burn and sack the neighbouring village. Similar circumstances had occurred in former instances, and he saw no reason why, at the present time, scenes of equal atrocity should not occur. He believed, therefore, that if the smuggling trade had been removed from Macao, and scattered along the coast in the manner which he had described, hostilities with China would have been the speedy and the inevitable consequence. What did they see in the proceedings of the Chinese government, or of Mr. Commissioner Lin, to induce them to suppose that those hostilities would not have taken place? Commissioner Lin had not hesitated to inflict severe punishment upon men whose characters were totally unsuspected, and was it likely, that if the events which he had endeavoured to describe, had occurred along the coast of China, Lin would have been more scrupulous? Would he not have published some proclamation, setting forth, that Captain Elliott had undertaken to put a stop to the contraband trade, but that he had deceived him; that he had pretended to command the discontinuance of the



traffic, but that he had issued false edicts—for that it had been carried on along the whole coast, to an extent even greater than that to which it had before gone, and that therefore he would hold all Englishmen, who ought to have had the power to prevent all this, whether blameable or not blameable, as hostages, until the wrong which had been committed should have been remedied. That would have been the spirit of Mr. Commissioner Lin; and therefore he said that, so far as he had been able to form a judgment, he believed that the positive prohibition of the opium trade by Captain Elliott, unsupported by physical force, would have been inadequate to put the trade down. Did the right hon. Baronet mean, that this country should pay the expense of a preventive service for the whole coast of China? He knew that it was impossible that he, or any one else, could for one moment advocate a doctrine so absurd; and he could not but repeat his firm belief, that by any course but that which had been adopted, the existing evils would only have been aggravated, and the rupture which had taken place would have been brought about in a manner still more calamitous, and still more dreadful. He had now gone, he thought, through the four charges on which the right hon. Baronet rested his case; and he declared most solemnly, that it did not appear to him that, according to the terms of the motion which was before the House, to any one of the four omissions which were alleged to have been made, was to be attributed that interruption of our friendly relations which was so deeply and so universally deplored. If he could believe that hon. Gentlemen would vote, keeping in mind really what the proposition was, he should not have the smallest hesitation as to the result; but he could not refrain from saying, that some persons, for whose feelings of humanity he entertained the highest respect, might possibly imagine, that in giving their assent to the motion, they were marking their disapprobation of the trade, which he regretted as deeply as they did. They had seen it asserted over

and over again, that the Government was advocating the cause of the contraband trade, in order to force an opium war on the public ; but he thought that it was impossible to be conceived that a thought so absurd and so atrocious should have ever entered the minds of the British Ministry. Their course was clear. They might doubt whether it were wise for the government of China to exclude from that country a drug which, if judiciously administered, was powerful in assuaging pain, and in promoting health, because it was occasionally used to excess by intemperate men—they might doubt whether it was wise policy on the part of that Government to attempt to stop the efflux of precious metals from the country in the due course of trade. They learned from history—and almost every country afforded proof, which was strengthened by existing circumstances in England, to which he had already alluded—that no machinery, however powerful, had been sufficient to keep out of any country those luxuries which the people enjoyed, or were able to purchase, or to prevent the efflux of precious metals, when it was demanded by the course of trade. What Great Britain could not effect with the finest marine, and the most trustworthy preventive service in the world, was not likely to be effected by the feeble efforts of the mandarins of China. But, whatever their opinions on these points might be, the Governor of China alone, it must be remembered, was competent to decide ; that government had a right to keep out opium, to keep in silver, and to enforce their prohibitory laws, by whatever means which they might possess, consistently with the principles of public morality, and of international law ; and if, after having given fair notice of their intention to seize all contraband goods introduced into their dominions, they seized our opium, we had no right to complain ; but when the government, finding, that by just and lawful means, they could not carry out their prohibition, resorted to measures unjust and unlawful, confined our innocent countrymen, and insulted the Sovereign in the person of her representa-

tive, then he thought, the time had arrived when it was fit that we should interfere. Whether the proceedings of the Chinese were or were not founded on humanity, was not now to be decided. Let them take the case of the most execrable crime that had ever been dignified by the name of a trade—the African slave trade. The prosecution of that trade was made a misdemeanour, a felony, and finally piracy. We made treaties with foreign powers and paid large sums of money to secure the object which we had in view and yet it was perfectly notorious, that notwithstanding all the efforts which we had made, slaves had been introduced from Africa into our colony of the Mauritius. Undoubtedly it was our duty to put down the traffic which had so long been carried on with rigour, and to bring all persons engaged in it to punishment; but suppose a ship under French colours was seen skulking under the coast of the island, and that the Governor had his eye upon it, and was satisfied that it was a slaver, and that it was waiting for an opportunity by night to run its cargo; suppose the Governor not having a sufficient naval force to seize the vessel, should send and take thirty or forty French gentlemen resident in the island, some of them, perhaps, suspected of having been engaged in the trade, and some who had never fallen under any suspicion, and lock them up. Suppose amongst others, he had laid violent hands on the Consul of France, saying that they should have no food till they produced the proprietor of the vessel, would not the French government be in a condition to claim reparation, and, if so, would not the French government have a right to exact reparation if refused by arms? Would it be enough for us to say, “Oh, but it is such a wicked trade, such a monstrous trade, that you have no right to quarrel with us for resorting to any means to put it down?” The answer would be, “Are you not trampling upon a great principle by doing so?” If such would be the answer of France, was it not fit and right that her Majesty should demand reparation from China? They had seen the success of the first



great act of injustice perpetrated by that government produce its natural effect on a people ignorant of the relative places they and we held in the scale of nations. The Imperial Commissioner began by confiscating property ; his next demand was for innocent blood. A Chinese was slain ; the most careful inquiry had been made, but was insufficient to discover the slayer, or even the nation to which he belonged ; but it was caused to be notified that, guilty or not, some subject of the Queen's must be given up. Great Britain gave an unequivocal refusal to be a party to so barbarous a proceeding. The people at Canton were seized ; they were driven from Macao, suspected or not. Women with child, children at the breast, were treated with equal severity, were refused bread, or the means of subsistence ; the innocent Lascars were thrown into the sea ; an English gentleman was barbarously mutilated, and England found itself at once assailed with a fury unknown to civilized countries. The place of this country among nations was not so mean or ill ascertained that we should trouble ourselves to resist every petty slight which we might receive. Conscious of her power, England could bear that her Sovereign should be called a barbarian, and her people described as savages, destitute of every useful art. When our Ambassadors were obliged to undergo a degrading prostration, in compliance with their regulations, conscious of our strength, we were more amused than irritated. But there was a limit to that forbearance. It would not have been worthy of us to take arms upon a small provocation, referring to rites and ceremonies merely ; but every one in the scale of civilized nations should know that Englishmen were ever living under the protecting eye of their own country. He was much touched, and he thought that probably many others were so also, by one passage contained in the dispatch of Captain Elliott, in which he communicated his arrival at the factory at Canton. The moment at which he landed he was surrounded by his countrymen in an agony of despair at their situation, but the first step

which he took was to order the flag of Great Britain to be taken from the boat and to be planted in the balcony. This was an act which revived the drooping hopes of those who looked to him for protection. It was natural that they should look with confidence on the victorious flag which was hoisted over them, which reminded them that they belonged to a country unaccustomed to defeat, to submission, or to shame—it reminded them that they belonged to a country which had made the farthest ends of the earth ring with the fame of her exploits in redressing the wrongs of her children; that made the Dey of Algiers humble himself to the insulted consul; that revenged the horrors of the black hole on the fields of Plessey; that had not degenerated since her great Protector vowed that he would make the name of Englishman as respected as ever had been the name of Roman citizen. They felt that although far from their native country, and then in danger in a part of the world remote from that to which they must look for protection, yet that they belonged to a state which would not suffer a hair of one of its members to be harmed with impunity. All were agreed upon this point of the question. He had listened with painful attention to the speech of the right hon. Baronet, but he had not detected in it one word which implied that he was not disposed to insist on a just reparation for the offence which had been committed against us. With respect to the present motion, whatever its result might be, he could not believe that the House would agree to a vote of censure so gross, so palpable, or so unjust as that which was conveyed in its terms; and he trusted that even if there was to be a change of men consequential upon the conclusion of the debate, there would at all events be no change of measures. He had endeavoured to express his views and his opinions upon this subject, and he begged in conclusion to declare his earnest desire that this most rightful quarrel might be prosecuted to a triumphal close—that the brave men to whom was entrusted the task of demanding that reparation which the circumstances of the

case required, might fulfil their duties with moderation, but with success—that the name, not only of English valour, but of English mercy, might be established; and that the overseeing care of that gracious Providence which had so often brought good out of evil, might make the crime which had forced us to take those measures which had been adopted the means of promoting an everlasting peace, alike beneficial to England and to China.



## COLONIAL PASSENGERS' BILL.\*

JUNE 4, 1840.

He entertained so high a respect for his right hon. and learned friend [Sir S. Lushington], and knew so well the services he had rendered to the cause of freedom, that he felt much pain in differing from him. But after the speech they had just heard, he was unwilling to give his vote without stating the grounds of it. He believed, that with respect to the general principle there was little difference between his right hon. friend and himself. None knew better than his right hon. friend how important it was to remove labourers from districts where the population was thick and wages were low, to districts where the land was widely spread, and labour in demand. He would admit, there might be exceptions—he thought, that wheresoever slavery existed there ought to be restrictions placed upon immigration; he was also of opinion, that while slavery existed in the West Indies, it was in the highest degree pernicious to the labouring population to permit the emigration from parts where the demand for labour was small to those where it was great. And he considered, that the system of slavery, separating, as it did altogether, the interest of the capitalist from that of the labourer, depriving the latter of the fair advantage, which in a free condition he had a right to expect from the fertile soil, and a great demand for his labour, rendered it necessary to impose a restriction upon the passage of the labourer from one country to another. But now, if there was any one part of the empire from which it was desirable to encourage emigration, it was

\* Hansard, 3d Series, vol. liv. p. 941-944.

India, and if there was any part to which the tide should flow, it was the Mauritius. The wages in the latter place would be fifty times what the labourer received in his native place. When he considered the state of the native peasantry of India, he would say, with every respect for the sincere feelings of humanity which actuated those who were opposed to the present measure, that they might be betrayed by those very feelings into committing a great wrong upon that unfortunate population. He could state it as a fact, that at the time when the debates on the subject of these peasants were going on—while persons were speaking with the greatest horror of the new system of slave-trade, the Governor-general was obliged to turn out of his road to avoid the sight of these wretched peasants dying in the ditches from starvation, in consequence of low wages. He understood his right hon. friend to say, that as a general principle, they ought not to interfere with the free labourers removing from one part of the country to another, therefore it would appear as if he contended, that in the present case, there were circumstances which counterbalanced the difference between famine and plenty, and between two-pence a day as wages and one shilling. His right hon. friend had spoken of the disparity between the sexes. Had he heard the statement of his noble friend, he would have heard that measures were in view which would remedy that great evil. His right hon. friend had also spoken of the artifices, blameable in the highest degree, practised by the agents in the Mauritius; but had he heard the speech of his noble friend, he would have discovered that no agency would now be permitted, except such as was authorized by the government in India or the government in the Mauritius. Had his right hon. friend heard the speech, he would also have discovered that it was intended to limit the contracts entered into to such a degree that the labourers would be at liberty to choose their masters, and that no contract was to last for a longer term than twelve months. That was a state of things under which

evils would arise, such as those anticipated by his right hon. friend. With regard to the point that the language of these people was not understood in the Mauritius, his right hon. friend seemed to have overlooked the fact, that in that island were constantly to be found a considerable number of the civil servants of the East India Company, men of high respectability, character, and attainments. Those persons understood the language of the emigrants, and would naturally be disposed to feel a strong interest in their welfare. That circumstance alone would constitute a strong distinction between the case of the Mauritius and of the West Indies, which his right hon. friend had paralleled. With respect to some unfortunate circumstances in the past history of the Mauritius he would say, without attempting to impute to his right hon. friend any other motives than those by which he was guided, and which were the purest and most humane, that both his right hon. friend, and the hon. Member for Bridport, had insisted too much upon that point. It was worth while to consider whether the last slave trade, so long carried on in the Mauritius, were to be attributed entirely to a lawless disposition and contempt for the mother country, or whether it were not to be attributed to the fact that the Mauritius was close to the slave market, while other colonies were more distant. There were many general local circumstances to induce the belief that the emigrants would be better off in the Mauritius, and return to their own country afterwards under better circumstances from the Mauritius than from the West Indies. He would say, then, looking at the papers, if he were asked whether the evils he saw there were those of the slave trade such as existed between Africa and the West Indies, or those of the slave trade as it existed between this country and the colonies on the other side of the Atlantic, he should say that the evils, though great and requiring correction, certainly belonged to the latter class. He would only add that he believed no persons—or few at least—had felt more strongly than he had felt during the contest that took place



on the subject of negro slavery. He would not say that he did not feel for those persons who were connected with colonial property; and he declared that since that time, so far from regarding those proprietors with unfriendly feelings, there was no interest in the empire which he was more desirous to see in a flourishing and prosperous condition, because he believed that on the fate of the great experiment that had been tried depended the fate of slaves throughout the civilized world. If, twenty years hence, those colonies in which slavery continued, should be able to point to those in which it had been abolished, ruined, and the plantations in them abandoned, then he would say that although we should indeed have wiped a stain from our own land, he questioned whether we should have conferred a great and signal boon upon humanity in general. Believing, then, that the measure of his noble friend would have a tendency to promote the prosperity of the colonies by means at once just towards the labourer, and compatible with his freedom and comfort, he should give it his most cordial support.

## REGISTRATION OF VOTERS—IRELAND.\*

JUNE 19, 1840.

HE entertained so great a respect for the eminent talents and legal acuteness of the right hon. Gentleman who had just sat down [Sir E. Sugden], that it was with great diffidence he ventured to oppose his opinion to that of the right hon. and learned Gentleman on the construction of a single clause. But when the right hon. and learned Gentleman had emphatically, distinctly, and repeatedly assured the Committee that the question on which they were to divide was, whether a person now on the register was to remain on it all his life, he (Mr. Macaulay) could not but say that it appeared to him that the words of his noble Friend's amendment by no means bore out such a statement. His reading of the words was, that the voter should be continued on the register so long as his right of voting and the registry were to remain in force, which under the present law were not for the term of his life, but for the period of eight years. If he was correct in conceiving that the right hon. and learned Gentleman had thus, from reading it but cursorily, mistaken his noble Friend's amendment, he might well suppose that the right hon. and learned Gentleman had not been altogether correct in his other remarks. He utterly denied, that the smallest imputation of unfairness, of violation of Parliamentary rule, or of want of perfect candour, could be brought against his noble Friend. The question which his noble Friend had brought forward was one of the gravest importance; it was the question of re-investigation or no re-investigation, and

\* Hansard, 3d Series, vol. liv. p. 349-4357.

was one which the Committee would repeatedly have to decide on during the progress of the bill. It was a question which it was possible for any Member of that House, without the slightest infringement of Parliamentary rule, to bring forward on the discussion of any clause in which it could with propriety be inserted. Considering the history of the noble Lord's bill—considering that on the question of going into Committee the noble Lord had a majority of but three, and that of that majority two hon. Members declared themselves unfavourable to the principle of re-investigation, two used language such as gave the House to understand that should the bill come to a third reading, still containing that principle, they would vote against it—he thought his noble Friend was justified on the first occasion which presented itself in taking the opinion of the Committee on the great question of whether re-investigation was to remain the prominent defect of the bill? Although it was the intention of Government to go fully and fairly into the Committee on the bill, he entertained no expectation of any good result. He did not hope that any good measure could be made out of one so laboriously, so elaborately, bad as that of the noble Lord; but if any effectual alteration could be made, it must be made by a series of amendments like the present. By such alterations the bill might, perhaps, leave the Committee what it purported to be, a bill to amend the Registration. At present he could designate it by no other name than a bill to take away the right of voting under the pretence of ascertaining it. He need hardly say, that it was to no purpose that the bill did not directly affect the right of voting, because there was no right which could not be annulled by indirect as well as by direct means, or by providing a tedious, troublesome, and costly mode of obtaining it. That was seen in all questions relating to the rights of property. It was to no purpose, by the substantive law of the land, particular estates or sums of money belonged to a certain person, if that law were so expensive as only to obtain his right at a greater expense than



the object was worth. There was not an hon. Member in that House who had not at some time or other submitted to an unjust demand rather than run the risk of vexatious proceedings. If a law were brought into that House for the purpose of making justice expensive, he should be justified in calling it a law of spoliation, and so he thought he was justified in designating a bill the object of which was disfranchisement under the name of registration. At the same time he had not the smallest doubt but that the bill of the noble Lord would remove some persons from the register who had not the smallest right to be there, in the same way as if they made a law making the Court of Requests as expensive as the House of Lords. Many a groundless action would be driven out of it, but the question was, whether they would not be throwing difficulties in the way of the just as well as of the unjust claimant. Let the noble Lord satisfy him that the impediments provided by this bill would lie only in the way of fraudulent claimants, and he would give him his support. But he saw no provision to that effect in the bill. He saw that it went to make registration costly and difficult both for the fraudulent and the just claimant, and it was on the distinction between the two that the sense of the Committee would be taken. It provided repeated hearings of the same question—first before a subordinate, and then before an appellate tribunal. He would beg of the committee to consider to what extent that abuse might be carried under the bill. Even the legal knowledge of the right hon. and learned Gentleman would not enable him to find a parallel in any law, British or foreign, ancient or modern. It would not be necessary to select as matter of objection some point which had not been investigated before, for one and the same objection might be raised every time a new assistant barrister came to the country, or as often as a new judge went the circuit. If he rightly understood the noble Lord's bill, an objection might be made in 1840 before the assistant barrister, from that there might be made an appeal to

the Court of Queen's Bench ; in 1841 it might be again brought before the assistant-barrister, and from him to the Court of Common Pleas ; in 1842 it might again come before the assistant-barrister, and then there was an appeal to the Court of Exchequer. Nay, further, should there be a new Chief Justice, it might be tried another year in the Court of Common Pleas. Now, he would venture to ask if the whole jurisprudence of the world contained anything which afforded a parallel to such a system of legislation ? He would venture to assert that there was no parallel, because, although there was something like it in the English system—and it was the vice of the system—yet there was only one trial, but in any other respect he defied the noble Lord to find a parallel in any country that ever called itself civilized. The noble Lord said, if that power of objection was not given, persons would get upon the registry who had no legal right to be there. Did the noble Lord imagine that there were no persons in possession of property in this country the judgments in whose favour were by no means justified ? Did the noble Lord imagine that all the damages awarded to plaintiffs by juries, and that all the large sums which had been paid by the Courts of Law, were sanctioned by truth and justice ? Did he not believe that there were many estates which were in the possession of wrong owners ? But the Courts of Law could not and ought not to set these matters right by eternal re-investigation. Suppose an injured man had come and said that the judgment obtained against him was erroneous—that he had procured the evidence—that he had found in the bottom of a chest an old paper which would establish his claim—that he had been taken by surprise ; the court might naturally say, that they regretted the hardship of the case, but it would be impossible for them to go on hearing and re-hearing the case twenty or thirty or fifty times ; that the noble Lord's bill admitted, and it required no great stretch of imagination to suppose a case in which the voter might be objected to 120 or 130 times in the course of his

life. He had not the smallest doubt that if they went on hearing criminal cases over and over again, they would at length hang some great ruffians. He had no doubt that if a man brought an action over again for the same cause, some cases of importance might be set right; but it had been ruled over and over again that it was better occasionally that some wrong should be endured than that the rights of society should be constantly interfered with; and why should they depart from that principle in the single case of the franchise? No doubt the bill would exclude many dishonest voters, but the question was, what would be its effect on the honest voter? All the objections in the bill were common to the rightful and the wrongful claimant. The vexation and expense of travelling, of appearing before the judge, of severe cross-examinations, of brow-beatings, and reflections upon his integrity, were all common to the rightful as well as the wrongful claimant. But did the noble Lord believe that a case never broke down unless when a man went with a fraudulent intention? Did he not know that the accidental absence of a witness, or direct perjury—for if the noble Lord imputed so much on the side of the claimant, surely he might allow a little on the side of the objectors)—would break down the claim? Was he not aware that men, who thought they had a good right, were frequently withheld from pressing it in a court of law, because they were in doubt whether they could establish it satisfactorily; or had the noble Lord never heard of the uncertainty of the law? If out of one hundred honest claimants only four or five were defeated, or saddled with costs, could any one doubt that that would act to the injury of the honest claimant? Almost every clause of the noble Lord's bill for keeping out the wrongful, acted just as effectually against the rightful claimant. The noble Lord had drawn a pretty picture of an unfortunate claimant being opposed by a pauper; but the noble Lord should recollect that property was the best of qualifications—that the claim of the rich man must be a valid one, and



that it was much more likely that the case might be reversed. He would suppose another case, the case of a man of great wealth, and of imperious, obstinate, and arbitrary temper—one of those men, who, as had been said by his lamented and valued friend, in words which should be engraven on his tomb, thought much of the rights of property, and little of its duties. He would suppose that man willing to spend £6,000 or £7,000 a year in securing the command of a county; that, every man knew, would not be impossible even in England. He would not mention any recent transaction; he did not wish to mix up personalities with that serious debate; but they all knew that a certain man now dead, provoked by the opposition he received in a certain town, vowed that he would make the grass grow in its streets, and he kept his vow. Another ejected 400 voters in one county, and entered 15 criminal and 225 civil actions. Such a man could easily command an Irish county. It would only be a picture less in his gallery, or an antique gem the less in his collection. The cost would be but as dust under his feet, compared with the pleasure of domination. He had no hesitation in saying that every clause in the noble Lord's bill tended to harass and obstruct the voter in obtaining his just rights. The effect, in short, would be, that a great many would abandon the claim altogether. The franchise was a sacred public trust, which should be used for the benefit of the public, and yet when honestly seeking that, their pecuniary interests were to be seriously affected. They should also take into consideration that men did not go to the registry with the same spirit with which they went to the poll. There had been few registrations since 1826, at which a general election was expected; and men who, when the candidates were declared, and when perhaps the fate of a ministry was to be sealed, would pay £50 or run any trouble to record their votes in a hard-fought election, would hardly go across the street to register. Therefore, you ought rather to encourage than discourage registration. Yet, supposing a Parlia

ment to last seven years, the noble Lord's bill would expose the voter to fourteen law-suits, against which what human fortitude or human patriotism could stand out?—and this was the principle which the House was now called upon to assert or reject. Sir, (continued the right hon. Gentleman), there is another consideration which applies specially to Ireland; that is, the state of the franchise. It is impossible to separate that from the subject of registration—it is impossible to have a perfect law of registration, that is, one which shall throw the greatest difficulties in the way of the wrongful, and every facility in the way of the rightful claimant: but it is still open for you to distinguish as clearly as possible which are the rightful and which are the wrongful claimants, and how can I decide upon a question like this without looking at the state of the franchise? It is impossible not to feel how much more the Irish franchise is restricted, as compared with the English, even by the Reform Bill—how much it is restricted even below what Pitt, and Castlereagh, and Grenville, and Windham, considered to be just. Looking at statistics, I find that Westmoreland, with little more than 50,000 inhabitants, and covered by naked hills and barren moors, has more voters than any Irish county—than Tipperary with 400,000 inhabitants, or Cork with 800,000. Sir, I cannot think that even the superiority of England in point of property can explain so enormous a disparity; and, whatever way I look at the question, I think that the Irish franchise ought to be rather extended than restricted—if it is to be altered at all—and I do not pledge myself to support any proposition for its extension; but if I hesitate to interpose to make it better, I will not lay violent hands upon it to make it worse—and strong as is my regard for the great settlement of 1832, I will never consent to make it final as against the people alone; and if not restoring what it took away, I will not consent to withdraw the smallest portion of what it gave. But, Sir, this is not an Irish merely, it is an imperial question. I hope and trust that if the

bill is to pass at all, it will pass modified by the amendment proposed to-night, and by others conceived in the same spirit. But if not, I shall regard it as the first step in a great retrograde movement—as the beginning of a scheme of which the object is to undo what was done by the Reform Bill. I do not believe the Reform Bill would be directly attacked. Much as hon. Gentlemen have talked of re-action, they well know that there has been no re-action here—they well know that it would not be safe to attempt to despoil our great cities and towns of political power, and confer it again on old walls and mouldering towers. But what cannot be done directly may be done indirectly—it matters not what franchise is conferred if the means of acquiring it are restricted. It matters not how well the law of rights is framed, if not accompanied by as efficient a law of remedies—power that can be obtained only by wealth or time, though nominally given to the many, is really given only to the few. Let us have the most democratic Reform Bill, and let the noble Lord frame our registration, and political power may yet be in the hands of the aristocracy and its tools. The Opposition begin with Ireland, and they are wise. Distance, difference of religious belief—perhaps that unfriendly feeling, the natural effect of much wrong inflicted, and much wrong endured—may have deterred the people of this country from resenting the insult offered to the Irish nation as they would have resented the same insult to themselves. But, Sir, I grieve for the short-sightedness of my countrymen; Ireland is the first field—it will not be the last. I believe this struggle is just as much for Yorkshire and Kent as for Cork and Kerry. And the day when the constituencies, worked upon this bill, shall send up to this House representatives regarded by the Irish people as enemies, will be dark and dreary for the liberties of England. But it is not necessary that I should resort to topics like these. The derisive expressions of Gentlemen opposite, I suppose intimate, that they would be unjust to Ireland alone. Well, whether they mean this



injustice to be confined to Ireland or to extend to England, I hardly know how to express my reprobation of so odious and disgusting a measure. The people of Ireland have been already hardly enough used. When we granted them religious emancipation, we took away their franchise. By the Reform Bill, a very small portion of what was before taken away was restored; and now the noble Lord by this bill would take away the little which the Reform Bill bestowed. There is only one bill on the table relative to the registration in England, a bill laid on the table by the same hand that laid the Reform Bill there, and one worthy of that hand. But as regards Ireland, we are now discussing a bill made up of the very worst features of all the bills that have been of late years introduced on the subject of registration—of the English system, of the system at present existing in Ireland, and of the ill-considered plan of Sir Michael O’Loghlen. Yes! the ill-considered plan of Sir Michael O’Loghlen. Each and all of these systems have been made to contribute their evil, but not one of their redeeming qualities; and the noble Lord, out of those evil qualities, has framed his bill. What must be the feelings of the people of Ireland when they compare that bill with the bill laid on the table by my noble Friend for the settlement of the registration system in England? To perpetuate differences and to excite discord seems to be the object of the noble Lord. Not such was the spirit in which the great minister who carried the act of Union treated the people of Ireland. The words which he quoted seem to have been forgotten by the noble Lord.

“*Paribus se legibus ambæ  
Invictæ gentes æterna in fœdera mittant.*”

These were the sentiments of the promoter of the act of Union. I venerate that great measure. I am ready to defend it against the open enmity of the hon. and learned member for Dublin, as against the still more dangerous friendship of the noble

Lord. I am satisfied that for every repealer made by the eloquence of the hon. and learned Member for Dublin, ten would be produced by the bill of the noble Lord if it passed in its present shape, and unmitigated. Should an universal cry for repeal of the Union arise in Ireland on the passing of the bill, I should not regard it in any other light than as the natural succession of effect and cause. It would be puerile, nay it would be hypocritical, to go on misgoverning, and to pretend to hope that the results of good government would follow—to assume that those whom we treat as aliens, ought to feel towards us as brothers—to oppose agitation and multiply the grievances by which agitation is alone supported, and by which it was originated—to raise the cry of civil war whereon the people of Ireland called for a repeal of the legislative Union, and at the very time when you are taking steps to annul all those rights and privileges, without which the legislative Union would be but an empty name.

## THE COPYRIGHT BILL.\*

FEBRUARY 5, 1841.

THOUGH, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my hon. and learned Friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of letters, I think it my duty to avow that opinion and to defend it. The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things, treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But as such an act of attainder would be legal

\* Hansard, 3d Series, vol. lvi. p. 344-357.



murder, so would an act invading the right of an author to his copy be, according to these gentlemen, legal robbery. Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared, like my hon. and learned Friend, to agree to a compromise between right and expediency, to commit an injustice for the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion, into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own, with Paley in thinking that property is the creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that point. For even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is quite certain that we have abuses to reform much more serious than any connected with the question of copyright. For this natural law can be only one, and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike; in many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family. It was only of the residue that he could dispose by will. Now he can dispose of the whole by will. But a few years ago you enacted, that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions. But there are local

customs which modify that statute. Now which of all these systems is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino*? Are the two witnesses *jure divino*? Might not the *pars rationalis* of our old law have as fair a claim to be regarded as of celestial institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament? Or is it to Custom of York, or to Custom of London, that this pre-eminence belongs? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed, are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my hon. and learned Friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any assailant. The point in issue is, how long after an author's death the State shall recognise a copyright in his representatives and assigns, and it can, I think, hardly be disputed by any rational man that this is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good. We may now, therefore, I think descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence, is neither black nor white, but grey. The system of copyright has great advantages, and great disadvantages, and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as

possible excluded. The charge which I bring against my hon. and learned Friend's bill is this,—that it leaves the advantages nearly what they are at present, and increases the disadvantages at least four fold. The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books; we cannot have such a supply unless men of letters are liberally remunerated: and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce pieces of great merit. But you must not look to them for works which require deep meditation and long research. Such works you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalize themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labour. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright. There have been times in which men of letters looked, not to the public, but to the Government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenas and Pollio at Rome, of the Medici at Florence, of Louis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty, to reward the merits or to relieve the



distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men, than one under which they should be taught to look for their daily bread to the favour of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into its scandal and its pest. We have then only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My hon. and learned Friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my hon. and learned Friend seems to hold, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather why should we not restore the monopoly of the East-India trade to the East-India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that,

maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my hon. Friend to find out any distinction between copyright and other privileges of the same kind,—any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East-India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good, that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good. Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease, but this I confidently say, that it is very much nearer that point than the law proposed by my hon. and learned Friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with the evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years, gives to an author thrice as much pleasure and thrice as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very distant advantages, even when they are advantages which we may

reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart of the Australian continent, will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australian continent. We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year 2000 or 2100, somebody who claims through him, will employ more shepherds than Prince Esterhazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my hon. and learned Friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and fatal reality; I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my hon. and learned Friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be, it is impossible to say, but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the grandson of a third bookseller, who had bought the copyright from Black Frank, the Doctor's servant, in 1785 or 1786. Now, would the knowledge, that this copyright would exist in 1841, have been a source of gratification to Johnson? Would it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal? I firmly believe not. I firmly believe that a hundred years ago, when he was



writing our debates for the Gentleman's Magazine, he would very much rather have had twopence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term, and a sixty years' term of posthumous copyright, would have been nothing or next to nothing. But is the difference nothing to us? I can buy *Rasselas* for sixpence; I might have had to give five shillings for it. I can buy the Dictionary—the entire genuine Dictionary—for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better; that I am to give five pounds for what to him was not worth a farthing. The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of human pleasures; and never let us forget, that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax, if it can be shown that by so doing I should proportionably increase the bounty. My complaint is, that my hon. and learned Friend doubles, triples, quadruples, the tax, and makes scarcely any perceptible addition to the bounty. To recur to the case of Dr. Johnson,—what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my hon. and learned Friend's bill had been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to

many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly under-rate it. Now, I again say, that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds' worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings. My hon. and learned Friend dwells on the claims of the posterity of great writers. Undoubtedly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence, on the fruits of his great ancestor's genius. A house maintained in splendour by such a patrimony would be a more interesting and striking object than Blenheim is to us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My hon. and learned Friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if any thing, more for a term of sixty years than for a term of thirty or five-and-twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste, that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days

will be in the years between 1890 and 1900. The whole fashion of thinking and writing has often undergone a change in a much shorter period than that to which my hon. and learned Friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, "who now reads Cowley?" What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754. In 1814, no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Paternoster-row give now for the copyright of Hayley's *Triumphs of Temper*, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and I say, that the price given for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years levy on the public. If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select,—my hon. and learned Friend will be surprised,—I should select the case of Milton's grand-daughter. As often as this bill has been under discussion, the fate of Milton's grand-daughter has been brought forward by the advocates of monopoly. My hon. and learned Friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty, of this ill-fated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit, that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a



pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my hon. and learned Friend tell me that this event, which he has so often and so pathetically described, was caused by the shortness of copyright? Why, at that time, the duration of copyright was longer, than even he, at present, proposes to make it. The monopoly lasted not sixty years, but for ever. At the time at which Milton's grand-daughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of *Paradise Lost*, I think it was Tonson, applied to the Court of Equity for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained his injunction. The representation of *Comus* was, if I remember rightly, in 1750—the injunction in 1752. Here, then, is a perfect illustration of what I conceived to be the effect of long copyright. Milton's works are the property of a single publisher. Everybody who wants them, must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost*, must forego that great enjoyment. And what, in the meantime, is the situation of the only person for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's grand-daughter is starving. The reader is pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet. But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps more to be apprehended when an author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear, that if such a measure as this should be

adopted, many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my hon. and learned Friend has devised are altogether nugatory. That the danger is not chimerical may easily be shown. Most of us, I am sure, have known persons who, very erroneously, as I think, but from the best motives, would not choose to reprint Fielding's novels, or Gibbon's *History of the Decline and Fall of the Roman Empire*. Some Gentlemen may perhaps be of opinion, that it would be as well if *Tom Jones* and Gibbon's History were never reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here, cases too in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels: Whatever I may, on the present occasion, think of my hon. and learned Friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show such profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who had taught the passions to move at the command of virtue. My dear and honoured Friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of the unchristian tendency of the fashionable novels of the eighteenth century, most distinctly excepts Richardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of Richardson those princi-

ples of piety, by which her life was guided. I may safely say that books celebrated as works of art through the whole civilised world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my hon. and learned Friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; he was a most upright and excellent man; but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said,—this I state on the authority of one of his clerical brethren, who is now a bishop;—he said that he had never thought it right to read one of his grandfather's books. Suppose Sir, that the law had been what my hon. and learned Friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them wide circulation. I firmly believe, that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He would not have reprinted them. And what protection does my hon. and learned Friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the *London Gazette*: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my hon. and learned Friend proposes to do so in the present case.



And, without some such provision, the security which he offers is manifestly illusory. It is my conviction, that under such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an Aldus or a Caxton. I will give another instance. One of the most instructive, interesting, and delightful books in our language is Boswell's *Life of Johnson*. Now it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot in the escutcheon of the family. He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable, that at last he could not bear to hear the *Life of Johnson* mentioned. Suppose that the law had been what my hon. and learned Friend wishes to make it. Suppose that the copyright of Boswell's *Life of Johnson* had belonged, as it well might, during sixty years to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in the world would have been as scarce as the first edition of Camden. These are strong cases. I have shewn you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books,—books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind,—books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot? I will take a single instance. It is fifty years since John Wesley died; his works, if the law had been what my hon. and learned Friend seeks to make it, would now have been the property of some person or other. The sect founded by Wesley

is the most numerous, the wealthiest, the most powerful, the most zealous, of sects. In every election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their founder in the greatest reverence; and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century, so strong, so flourishing, and so formidable. The hymns to which he gave his imprimatur are a most important part of the public worship of his followers. Now suppose that the copyright of these works belonged to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptized by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England, and there I saw John Wesley designated as a forsworn priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of Government. Let Gentlemen who are attached to the Church reflect a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years,—if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so intolerable a wrong

may be done to some sect consisting perhaps of half a million of persons. I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this,—that if the measure before us should pass, and should produce one-tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, will this law be virtually repealed by piratical booksellers. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouth of deserving men. Every body is well pleased to see them restrained by the law and compelled to refund their ill-gotten gains. No tradesmen of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men of a character very different from that of the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit; and the whole nation will be in the plot. On which side indeed should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress, shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage of the great grandson of a bookseller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress? Remember too that when once it ceases to be considered as wrong and discreditable to invade literary property, no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you



are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the committee that my objections might be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my hon. and learned Friend, could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

**END OF VOL. I**



# SPEECHES

BY

THOMAS BABINGTON MACAULAY,

AUTHOR OF "THE HISTORY OF ENGLAND FROM THE ACCESSION OF JAMES  
THE SECOND," "LAYS OF ANCIENT ROME," "ESSAYS FROM  
THE EDINBURGH REVIEW," ETC., ETC.

IN TWO VOLUMES.

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# MACAULAY'S SPEECHES.

## PARLIAMENTARY VOTERS—IRELAND.\*

FEBRUARY 23, 1841.

SIR, if this were a mere legal question, I should think it most presumptuous in me to interfere. If this were a question to be decided by local knowledge, I should be equally disposed to leave it to the numerous representatives of the Irish constituencies who have shown an inclination to address the House. But as it appears to me that at this stage of the bill, at least, it is possible, for one who pretends to neither legal nor local knowledge, to form an opinion of the subject of which it treats, I shall venture to state what appear to me to be the grounds on which a representative of a British constituency, bringing to the subject no knowledge beyond that general information which is common to every hon. Member, may feel himself justified in supporting the second reading of the bill. Sir, in what I have to say, I shall attempt to follow the precept rather than the example of the hon. and learned Gentleman who has just sat down. The hon. and learned Member began by declaring his intention to go into none of the questions which might, with more advantage, be regularly discussed when you have left the chair; but I must say, that it appears to me that the greater part of his observations did relate to questions of detail—to important questions of detail I admit; but I never can consider, that whether the time be fourteen years, or whether the sum be 5*l.*, are other than questions of detail. Sir, I do conceive, however extraordinary that avowal may seem to hon. Gentlemen

opposite—I do conceive, that if any hon. Gentleman in this House be convinced that the test proposed by my noble Friend be the best test—then, although he might be disposed to think that the sum of 5*l.* was too low—then, although he might be disposed to fix it at 6*l.*, 7*l.*, 8*l.*, or 10*l.*, I should say he would still be acting in a reasonable and Parliamentary manner if he voted for the second reading. For my own part, I believe, for I had not then the honour of a seat in this House, that this was the case in discussing another bill of great importance, the Irish Municipal Bill—the general principle of the bill having been approved of, it was read a second time with the support of many hon. Members, although several divisions were subsequently taken by them upon its details. Sir, I have no hesitation in stating, that I do believe that the evils which are to be apprehended from the restriction of the franchise in Ireland are greater than those which are to be dreaded from its extension. Sir, whether the test of my noble Friend should be adopted or not, I should see with satisfaction that a greater proportion of votes should be given to the large counties of Cork and Down. I think it better that they should have 8,000 rather than 2,000 voters, but whether they are to have 8,000 or 2,000, still I prefer the test of my noble Friend near me to the undefined franchise in the bill of the noble Lord. Sir, I shall at present not touch upon the question of the amount of the franchise—I shall confine myself to the principle of the bill, and it will be necessary for me to follow the example of the noble Lord, and look, not at my noble Friend's bill alone, but also at the other bill that accompanies it on the table of the House. The case is certainly a grave and important one, for it involves a right which is the foundation of all other rights. Serious evils are admitted to exist with regard to that precious and important right; both parties in the State admit the existence of these evils, and both have come forward with remedies which are now lying on your table, and it is for the House to decide between them. Sir, I

cannot disguise from myself the fact that it is not on these two bills alone we are sitting in judgment. I say, that each of these bills appears to me to be strongly marked by all the great and characteristic features of the party from which it proceeds. Those who with so much zeal and perseverance support the noble Lord opposite, will not be disinclined to admit that his measure embodies their feelings, while I, and my Friends around me, are of opinion that my noble Friend's bill involves those great principles upon which we think the legislation of the country should be carried on. Now what is the end and object of registration? If there be any person who thinks that a Bill of Registration should be a Bill of Disfranchisement in disguise—if there be any person who thinks that we ought so to frame the law as to filch from the people as much as possible of that power which the liberality of a substantive law has given them covertly—there are many who may think fit to act upon that suggestion, but there are few who will avow it, they will support the bill of the noble Lord. I shall, therefore, in what I have to offer to the House, take the proposition for granted—a proposition which may be disliked but cannot be disputed—that the object of a Registration Bill is to keep out bad voters and let in good ones. This is not a simple object—it aims at two things quite distinct, and which may be incompatible. It is possible to conceive that there may be a law giving ample facilities for the admission of honest voters, but at the same time permitting a crowd of dishonest voters to press in. It is equally obvious that there may be a law enacting such severe scrutiny that the dishonest voters cannot pass muster, but that such a law will keep out many honest voters. Sir, it is the severest trial of legislation to deal with such cases. When there is only a single object, the case is comparatively easy; but when there is a double object, both cannot be secured in perfection. Now, if the bill of my noble Friend be superior in any respect to that of the noble Lord opposite, it consists in giving facilities to the registration of



voters. Hon. Gentlemen opposite say, that the danger is greater from an undue extension of the franchise, but I think the danger is greater from an improper restriction of the franchise. Argument upon that subject is almost unnecessary; but it is clear to me that in both respects the bill of my noble Friend is superior to the bill of the noble Lord, and more efficient for keeping out bad, and letting in good voters. Take the machinery provided for keeping out dishonest voters. My noble Friend's machinery is this: he employs a test to ascertain the franchise, which is inseparably connected with a check, acting without any object to put it in motion, and without any summons, subpœna, assistant barristers, or judges of assize. He strikes at motives—he attacks principles—he dives into the nature of things, into the heart of man for his remedy; at the same time my noble Friend's check operates without in the smallest degree impeding the honest voter, or without dragging him from his home, without causing him the slightest anxiety, or levying on him any pecuniary charge. Now I say that such a test as that approaches as nearly as possible to that at which we should aim. Sir, when I turn to the noble Lord's bill, what is the check to keep out dishonest voters? I have looked through the bill, and I find absolutely only this one against the intrusion of fraudulent voters—eternally trying over and over again at the same question *ad infinitum*. Now if the object be to reduce the constituency—if the object be to leave it only the mere name and shadow of a constituency—then I say that this plan has been well concerted for its aim, and it is worthy of the abilities which no man can deny to the noble Lord. If, however, I look at it as a measure presented in good faith to prevent fraud and perjury, then I can designate it by no other name than childish—as childish, for it is a system of preventing fraudulent registration, but making the registration of good voters in the highest degree impracticable. No doubt it will keep some impostors out of the registry, and so if we were to select every

tenth man in London there is no doubt that some rogues would be sent to the tread-mill, but that I call a childish system of legislation. Sir, I do not call that a preventive of fraudulent registration, but a childish system, which is not directed against the fraud, but which is directed against all voters, the long and short, the blue-eyed and black-eyed, honest and dishonest. Sir the noble Lord's test is one which has no reference either to honesty or dishonesty. It will disfranchise all alike. I speak in the presence of many eminent lawyers, in the presence of many men well acquainted with the law of this country and of Scotland, with our civil law and our Oriental dependencies, and I ask them what they think of this system of eternal revision? I ask the hon. and learned Gentleman who has just sat down, and I should be glad to have his opinion upon the point, what does he think of this as the only check upon fraud? What does he think of a system, in which, every year, objections may be brought before the Assistant Barrister, and if the Assistant Barrister approves of the vote, an appeal may be had to the Judge of Assize; next year, precisely the same objection may be taken in the very same words, he may be again compelled to go before the Judge of the Assize, and so on for ever and ever. In order to keep his franchise during one Parliament, in order to give one vote, the elector is exposed to this vexation, that he may be seven times compelled to go before the Assistant Barrister, and seven times before the Court of Appeal and if a man acquires the franchise when he comes to the years of discretion, and lives to the age of seventy, he may have 100 law-suits to keep his name on the register; he may spend 1000*l.* and not less than six months of his time in pursuit of his vote. [*Cheers.*] Unless Gentlemen can by interruption remove the words from the bill of the noble Lord, or distort those words out of their plain meaning, I conceive they may as well give up the subject. These are the words—that is their meaning. If it be said, that the right or power which the noble Lord gives the objectors—if it

be said, that it will not be abused, I answer that I believe it will, and I say it is the business of a wise and virtuous legislature not to establish such a power, trusting that some undefined feelings should prevent men from abusing it. I again ask men of both sides of the House—men of eminent legal knowledge—such men as the hon. and learned Gentleman who has just sat down; I ask him what he thinks of such a principle as this, and what he thinks of those arguments, by which the noble Lord has attempted to vindicate his measure, and which he repeated whenever the subject has been discussed, and which he repeated last night? The noble Lord said, I will never agree to part with this portion of my bill, for if I do, then the person who has once established himself upon the register, by fraud or perjury, can never be removed. Does the noble Lord say, that that argument will hold good in all cases? What says the law of England? “If a man is once tried for a crime and acquitted, then, although he be acquitted by an alibi supported by perjury or any fraudulent cause—although you may have evidence by which you can bring the matter home to him—you cannot again put him in jeopardy for the same case.” What says the law of England in civil cases? “If a man bring an action for debt or damage—if in that action judgment goes against him from any such cause as that a witness breaks his leg and is, therefore, unavoidably absent, he shall not be again suffered to bring an action in the same case.” If that be the law of England in criminal matters—if that be the law of England in civil matters, on what principle ought we to depart from it in the elective franchise? The noble Lord is bound to make out distinctly such a case, and tell us why we should not proceed the same way in the one instance as in the other. When we do not go on in this manner, hearing and re-hearing in the case of the fraudulent debtor, who has obtained an estate to which he has no title, why should we go on hearing and re-hearing for ever in the elective franchise? If I am asked why the law of England is framed in a



different manner from that in which the noble Lord proposes in his bill for the registration, I answer, that the law was framed in that respect by men who took broad general views of the subject on which they legislated—who did not fix their eyes pertinaciously upon individual cases that might happen at times to arise in the course of events. They say, it may be an evil that the assassin should go about the streets bearding the family and friends of his victim with impunity; but it would be a vastly greater evil that all the families in the community could not live in peace and security. It may be a great evil, that the fraudulent debtor should keep possession of the estate which he has unjustly acquired, but it would be by far a greater evil, that all honest men should be insecure in their property, and that all society should be kept in a ferment of litigation. As you bear with the felon and the debtor, who are dishonest and successful in the courts of law, and who resist just claims, even so ought you to bear with the fraudulent voter, who is falsely put on the register, rather than go on eternally trying and trying the same objection. Contrary to the whole system of English jurisprudence, the voter who has got on the list of voters by perjury or fraud, is to be tried again and again. The noble Lord says his object is to prevent perjury, but the noble Lord must know, that litigation is a fertile source of crime—a fertile source of perjury. This litigation would produce more perjury and inconvenience in a single year, than all the wrong decisions pronounced according to law would produce in a century. Thus stands the case. I conceive my noble Friend has proposed a remedy for existing abuses, which will certainly keep out those who have not a right to vote, and let in without trouble or inconvenience those who have the right. I conceive, that the noble Lord (Lord Stanley) has proposed a system which will not only have the effect of keeping out those who have not a right to vote; but will keep out everybody without distinction who dislikes vexation, and expense, and trouble, and anxiety; who dislikes

feeling counsel; who dislikes incurring the risk of having to pay costs; these persons the noble Lord's bill will disfranchise. That the noble Lord's bill will disfranchise wholesale, men who have a right to vote, I do not at all doubt. One reason why I believe his system will disfranchise many who have a right to vote, is this, that I am certain it would disfranchise myself. I possess a vote for the University of Cambridge; now, the vote of an elector of an Irish county is not, I think, as important as that of an elector of the University of Cambridge. His vote is given for two Members of Parliament. He also votes for dignities and situations which are objects of importance to great men, and even to Princes of the Blood. A vote, then, in an university is surely a more valuable possession than a similar one in any Irish county. The member of the senate of a university is generally more able to assert his right than an Irish voter. Yet, I declare, that if a system like the noble Lord's were established to register my vote in Cambridge—if I were liable by any Master of Arts, who differed from me in politics, to be compelled to go down to Cambridge and dance attendance on the senate-house for two days, how long think you should I retain that vote? Indignation might support me under such an insult for some time. I might go down once or so for the purpose, not indeed of lending much assistance to the right hon. Gentleman opposite (Mr. Goulburn)—I might go down on some pressing occasion, but disgust would soon weary me out. And now, what will the Irish farmer do, who is much more helpless than I am, when he finds himself exposed to these great vexations and obstacles, which the noble Lord's bill throws in the way of his acquiring the franchise? I think, Sir, however imperfectly I have explained myself, that it is my duty to give a reason for my belief that the great object of a Registration Bill is the keeping out of voters that ought to be kept out, and the letting in of voters who ought to be let in. The bill of my noble Friend is decidedly superior to the bill of the noble Lord opposite for this

purpose. But is there anything in the means employed by the noble Lord which does serve the useful purpose of making a salutary registration bill, and which ought to be adopted? My noble Friend defines the franchise. The noble Lord proposes to leave the franchise undefined. Is it possible to doubt there is anything more important, any duty more sacred for the Legislature to perform, than to give a clear and precise definition of the Irish franchise? I will not go into the question whether the minority of the judges ought to be bound by the majority. I do not pretend to speak of it as a lawyer. I might ask some questions; I might make some distinctions which I would be glad to hear solved ingenuously by the hon. and learned Gentleman who has just sat down. But I will not go into the question. We have the plain fact, that eight judges are for one definition, and four for another; twelve or fourteen assistant barristers take one view of the question, and eighteen or twenty take an opposite view. What was the law in 1840, is not the law in 1841; what is the law on one side of the stream, is not the law on the other side; what is the law before the Chief Justice, is not the law before the Chief Baron. Is it possible to conceive a state of things more scandalous than this? Why resist any attempt that should be made to settle these difficulties? Is there any more sacred debt from a Legislature to a people, than to give definite laws? Is there any part of the law more important than that upon which the making of all law depends? In Ireland, this part of the law is in a state utterly undefined, and you leave it in that undefined state, and then you complain of those very offences for which you yourselves are responsible. Well, under these circumstances come forward two parties of the Legislature, the noble Lord on the one side, and my noble Friend on the other. The latter ascertains the franchise—he fixes the law. The law of procedure becomes simple and efficient—there is no vexation caused to the rightful claimant—the wrongful claimant is at once removed. My noble Friend



guards against perjury by abolishing the taking of oaths. Fraud and personation, to quote the phrase of the hon. Member for Coleraine, vanish at once. But what does the noble Lord? He comes forward with his bill, and he leaves the substantive law in the state of perplexity in which he finds it. He then sets to work on the law of procedure, and makes it ten times more embarrassing than it was before, and the effect is what we might suppose—it produces phenomena so strange, restriction so extravagant as hardly to be paralleled in all legislation. One of these phenomena was alluded to by the right hon. and learned Gentleman, the Attorney-general, and it is even more extravagant than it was represented by him. In the county of Dublin, for instance, if there is an objection established against a vote tried before the assistant-barrister, there lies an appeal from him to any one of three courts which the rejected claimant may choose, each of which courts takes different views of the subject. The fact is, the Court of Exchequer always decides in favour of the beneficial interest class of claimants, and the Court of Queen's Bench in favour of the solvent tenant test. The effect of this system is, that whoever is objected to in the court below is sure of victory in the court above. The decisions of the assistant-barrister for Dublin are certain of being carried out by the rule of contrary. It would be a curious and strange case of casuistry to point out how the assistant-barrister for Dublin is bound to decide on this question. If he decide according to his opinions and the dictates of his conscience—his decision is sure to be reversed in the courts above—should he decide contrary to his opinions in order to have that decision reversed, and the effect produced, that he felt it his duty to bring about? Is this a mere oversight? No. This is one of the effects of the attempt to proceed with the substantive law undefined. All the objections of the noble Lord to my noble Friend's bill resolve themselves into one—the principle of finality. The question is, will you disturb the Reform Bill? I will not at

present go into that subject generally. I will not go into that subject generally, I say, because I propose to reason on this question upon those principles which are held by all those Conservative Gentlemen that I have the happiness of knowing. I propose to reason on Conservative principles, and if on those principles I cannot command the assent of Gentlemen opposite, I will not appeal to the principles of popular rights and popular liberties. I will admit, that the Reform Bill ought to be continued inviolate, that it ought to be in full force in Ireland. Is it in force in Ireland? Certainly not. If the meaning of the Reform Bill be that the beneficial interest test be applied, then the Reform Bill is not in force, for there are counties where the solvent tenant test is applied. Is the meaning of the Reform Bill that the solvent tenant test be applied? Then, also, is the Reform Bill not in force, for there are counties where the beneficial interest test is applied. These things are changing backwards and forwards, and the counties in which the beneficial interest test was applied last year are different from the counties in which it is applied this year. Now, if any person would define such a principle, is it by leaving all things as they are? Such a state of things amounts to finality. From an exceeding aversion to change, you uphold a system with a principle which is ever changing. I speak to reasonable advocates of finality—to Gentlemen who use the word only in the sense in which any man, Conservative or Whig, ever used it. When they talk of finality, is it not that a certain act should stand unrepealed in the volume of the statute book? This then is the course pursued, to give to fluctuation such as was never known among a civilized people, the name of stability—and then if the friends of finality come forward to close this eternal whirl of revolution, to cry out, that we are unsettling the stability of our institutions. Stability! When there was one law in September, and another in May; one in Cork, and another in Mayo; one system upheld in the Court of Queen's Bench, and another in the

Court of Exchequer! Stability! When the constituency of a county may be 2,000 or 4,000, as Mr. Baron This, or Mr. Justice That, shall have a fit of the gout before the next assizes! The question is not between change and no change—the question is between unchange and eternal succession of changes—between one change made by the Legislature, and a succession of changes made by the courts of law. Now, I conceive all reasonable Conservatives will acknowledge one change to be better than a hundred. I conceive we all agree, that changes in the Constitution ought to be made in the Legislature, and not in the courts of law. Consider in what a situation you place the courts of law. Is it possible to imagine anything more shocking to any person of just feeling, than that when the judges meet to settle what circuit they shall take, they determine which counties shall have a democratic franchise, and which a restricted one? It is impossible but that it must deprive the judicial body of the respect of society. [Mr. Shaw: *Hear!*] I am glad to hear the right hon. Gentleman cheer me, but I fear I shall find him opposing the only efficacious remedy. I do say I can conceive no system more pernicious than that a Government should depend on the feelings of individual judges, and that when a new judge is appointed, it should be said, “We have got a new judge. We have lost Kerry, but shall have a change in Sligo.” Is it possible to conceive a system so opposite to morality and to all good feeling? Vote for my noble Friend’s bill, and you will be out of this situation in three months. I say the necessary effect of such a system is this, that our free constitution and the administration of justice are alike in danger. You have, on the one hand, the Constitution quibbled away by the subtlety of the bar, and, on the other hand, you have the judicial tribunal agitated with all the violence of the hustings. The greatness of this evil is not disputed, and how does the noble Lord deal with it? My noble Friend furnishes a measure which will at once put an end to it. It is impossible, after



my noble Friend's bill passes, that the question can divide the bench of Ireland longer. The noble Lord leaves the question unsettled. He only plunges the judges deeper and deeper into the mire, and gives them a greater number of questions to try, in which the precise difficulty arises. Of all the persons who can complain of the noble Lord's bill, there are none who ought to complain so much as the judges. The noble Lord, Sir, can feel for your situation. He addressed you in words to the feeling of which every Gentleman of both sides of the House will respond, and which I would attempt to repeat, could I give them with the same grace and propriety; but in thinking of your situation, Sir, he forgot the situation of the judges. Consider how different the cases. The noble Lord, who scruples to give to a person who ought to be impartial, the nomination of the persons who are to decide questions of registration, has no scruple to give the power of deciding political cases to persons whose reputation, of all others, should be the least sullied with the taint of partisanship, and the least subject to suspicion. To me, it seems beyond all doubt, that if the noble Lord's bill passes, there will not be, in a short time, a judge in Ireland, however pure his intentions, or however great his sagacity, who will not be called an oppressor or a demagogue by the one party or the other. Now, to sum up, it appears to me, that the bill of my noble Friend will exclude those, who under the new system will not have a right to vote, while it will admit the greatest facility to those who will have that right; that it will substitute certainty instead of doubt, and rescue the judges from the most calamitous position in which they are placed. The bill of the noble Lord will not do this. It provides no security against the intrusion of wrong claimants, and throws every imaginable difficulty in the way of the rightful claimant, and it leaves doubt, and change, and revolution, where it found them. Instead of telling the judges what is the meaning of the law, it leaves it unsettled, and gives them another set of questions

to decide. I think, whatever parts of the evil system the noble Lord has touched, he has only aggravated them. He has left it uncertain, that it may be more oppressive; he has degraded the judges, that he may disfranchise the people; he has provided a machinery which, where it detects one perjury, will introduce twenty. I hardly know on what principle the noble Lord can vindicate his bill. This is the bill which the noble Lord places side by side with others; and this suggests to me a topic on which I will say three or four words. The noble Lord misrepresented yesterday the whole nature of his bill, and of its relation to ours, and their relative relation to the franchise. He said his bill and ours, considered as bills of registration, were not essentially different, but then, says he, "comes the franchise as a tack;" now that I utterly and altogether deny. I say, the rule laid down, with respect to the franchise, is the essence of our bill. And I say, when the noble Lord brings forward a number of clauses of my noble Friend's bill analogous to clauses of his own, and says if there were oppressions in my bill, why place them in your own? the answer is, that having that franchise clearly ascertained in the Government bill from one end to the other, it turns that which in the noble Lord's bill would be a source of litigation and mischief into that which may be efficient and useful. As to the feeling, Sir, with which these bills are regarded in Ireland, though I may regret the warmth with which persons in that country have sometimes expressed themselves, I think it right to make the most ample allowance for this, because I am satisfied the question is—shall Ireland have the reality, or only the name of an electoral system? In the decision of that question, Sir, public order is as deeply interested as public liberty. And I was glad to observe, that the hon. Member for Cavan expressed the opinion, that any great restriction or diminution of the number possessing the elective franchise in Ireland would be a serious calamity to the country. We have lessons enough to prove it to us—lessons many

of which are not forgotten. It is unnecessary to state, after the warnings we have had, that great bodies of men, that all nations, when debarr'd from those organs which the Constitution gives them, will certainly find other organs more formidable. It is unnecessary to look back any great length of time for the effect that would be produced, if Limerick, Cork, or Mayo, were represented in this House by chiefs of the Orange Society, or by those of the old Dublin corporation. [*Oh!*] Some Gentlemen, who make that cry, may remember 1829; they may remember, that when there was not a single Catholic in either House of Parliament, even the Duke of Wellington shrunk from conflict with the excited population of Ireland. They might learn the same lesson from other times. The time when the Catholic question was settled was a time of peace. There have been times different from that—times when England has been forced to struggle with formidable enemies to maintain her place among the nations of Europe. It was so during the American Revolution and the French Revolutionary war. During both we endeavoured to govern Ireland like a conquered province, and what was the result? During the American war the Irish wrung from you in your own despite an acknowledgment of the commercial independence of Ireland. During the French war, they engaged in a fatal and calamitous struggle for independence. Happily it failed, but if Lord Duncan had not fallen in with the Texel fleet—[*Oh! oh!*] There was such a man, and such a fleet. If a great French army had landed in Munster, in that struggle, it would have tasked to the utmost the energies of England. This calamity had, however, been arrested by an unmerited and an unrequited interposition of Providence; but comparatively favourable as was the result, was it, he would ask, no small evil, that whilst the French nation were pushing their arms in conquest beyond the Rhine and the Alps, England not emulating the glories of Blenheim, nor anticipating the triumph of Waterloo, was bent only on making war upon her



own subjects ?\* Was it no small evil, that whilst Macdonald and Massena were extending their conquests beyond the Alps and the Rhine, our Cornwallis and Abercrombie were displaying their valour and directing British arms in hostile collision with men, who under a better system they might have been leading to victory against the common foes of their country. But the retribution which ensued was just, natural, and inevitable ; so true is it that a government which seeks safety and security by injustice, must seek it in vain. Let us not, therefore, fall into the same error now, but listen, while it is yet time, to the call of the people of Ireland ; ye generous and noble-minded people ; let us listen and respond to their call, not insult them with a brand the most odious to all noble and generous natures—not press the iron of oppression into the very souls—not exasperate them with that most odious form of tyranny—the tyranny of caste over caste, and creed over creed. Let us reject the evil counsels of the oppressor, and by so doing wrest the most formidable weapons out of the hand of the agitator—in a word, let us endeavour to preserve and cement such a union of feelings between the sister island as shall give stability to the legislative union already existing, and which nothing will hereafter endanger but actual misgovernment. Let us convert that part of the empire, which has so often been the seat of weakness and disgrace, into a source of glory and strength—let us endeavour to strike terror into the hearts of all those, be they in what part of the globe they may, who either hate or envy our noble country—and let us do so by firmly uniting twenty-seven millions of devoted British hearts in irresistible array under the same equal laws, and under the same parental Crown.

## THE EARL OF CARDIGAN.\*

MARCH 5, 1841.

*On the Supply Bill—A Reference having been made to the acts of unjustifiable severity traced to Lord Cardigan.*

I CERTAINLY did not expect that a topic of such violent irritation would have been brought forward, under such circumstances, and that I should not have been enabled to give it that full consideration which would have enabled me to avoid in its discussion hurting the feelings of any one, or adding to the excitement which has been already too great. I shall state in the most direct manner, yet without the most remote intention of wounding the feelings of any hon. Gentleman, what are the general principles which guided her Majesty's Government in this matter, and which I firmly believe, notwithstanding any temporary irritation, will ultimately be held to be sound and just. In the first place, I shall appeal to the hon. Member for Kilkenny himself, whether it be in his power to suggest or imagine any dishonourable motive which could have prompted the conduct of the Government on this occasion. Who is Lord Cardigan? Is he their political friend—is he a supporter of theirs? I know that the hon. Gentleman and some others have sometimes brought charges against the Government of cowardice; but in this case he certainly cannot urge such a charge, when they acted in the face of the whole press—of the general cry of the whole country? Could Lord Cardigan go to a theatre that he was not insulted? Could he take his place in a

\* Hansard, 3d Series, vol. lvi. p. 1396-1399.

railway train without having a hiss raised against him? Was there ever a case in which a man was more violently and intemperately assailed? Without wishing to assert that Lord Cardigan is faultless (on that point I do not give an opinion)—if he had been the accomplice of Burke, or any other person impugned on the most criminal charge, instead of being accused with faults of temper and manner, could stronger, or more violent, or more intemperate means be taken to mark the public aversion? When the Government resolved not to dismiss from the service a man thus attacked by the press on both sides, and by the public of both parties, they are not certainly entitled to say they were right; but they are entitled to ask every person who gives the slightest attention to the subject, could they have any other motive than sincere regard for the interests of the public service. Now, the question is, how stands the case? Here is a man at the head of the force who has led an army to victory—a man whose integrity and honour have never been impeached during the thirteen years that he held his high office—a man who has served different administrations, and possessed the confidence alike of the Duke of Wellington, of Lord Grey, and of the present noble Lord at the head of her Majesty's Government, and who has throughout this long period acted honourably and fairly by every administration, to whom he gave the full benefit of his great abilities and experience, this distinguished man was decidedly of opinion that there was no ground whatever for instituting any proceedings by court-martial against the Earl of Cardigan. His opinion was, that instead of such a proceeding settling the disputes which had arisen, it would be an absurd course to take, because it would be impossible to frame any charge against Lord Cardigan of which a court-martial could take cognizance. I believe he was also of opinion that without such a court-martial it would be unjust to take measures for dismissing Lord Cardigan from her Majesty's service. Was Lord Cardigan, then, to be placed on the half-pay list? That is not the principle on which the ha-



pay of this country has been established, nor one to which, while I remain Secretary-at-War, it shall be perverted. The half-pay is no punishment. It is given partly as a reward for past services, and partly as a retainer for future services. Why should it be made a reward for offences; or should a retainer be given to a man who had proved himself entirely unfit for the service of the Crown? What alternative remained? A court-martial, or dismissal from the service. Now, that a dismissal from the service, without a court-martial, would be a serious and fatal injury to the army, I have the authority of the Commander-in-Chief for asserting; and I may add, without any breach of confidence, the authority of one other name, which stands higher, which stands even higher than the noble Lord's (Lord Hill's) in general estimation and professional eminence. What remains? The dismissal of an officer without any legal impugnement? I am far from thinking, that the prerogative of dismissal without reasons is not one which the Crown should possess, because I know it is possible to imagine a case in which the safety of the State might depend on the exercise of such prerogative; but it should never be lightly exercised; and the army have an exceeding interest in great caution being observed in wielding it. This rule should be observed in every service, but especially in ours, where the pay of an officer is not much more than the interest which he would receive for his purchase money from any insurance office. I do not mean to say, that officers should acquire a vested interest in their commissions to stand against the prerogative of the Crown, where the public interests require it to be exercised, but I maintain the smallness of the income derived from military service, is an additional reason why we should be slow to advise any such strong measure as taking away a man's commission on slight grounds. Can any motive, then, warrant an unusual course in the present instance? The precedent established in the case of a rich man, may soon be applied to a poor man, and the removal of an unpopular man may

be quickly followed by that of one who should resemble Lord Cardigan in nothing but that he regularly voted against the Government. I will venture to say, that no Ministers of the Crown were ever before censured on the floor of the House of Commons for not punishing a military opponent, in whose case it was impossible to have a court-martial. These are the principles which guided her Majesty's Government, and which satisfied them that they could not have dismissed this officer without a court-martial—that they could not have resorted to the half-pay as a punishment with regard to him, and that it would be in the highest degree prejudicial to the army to establish a precedent for the dismissal of an officer for imputed faults of manner and temper, of such a nature, that it was impossible to make them capable of proof before a court-martial. Having deliberately come to that opinion, the clamour which has been raised ought only, and has only, determined the Government to adhere to it the more firmly. I say nothing of Lord Cardigan; I don't pretend to say that he is faultless; but I insist, that the principles on which the Government acted are sound ones. I am quite sure, that their motives were pure and conscientious, and if they are not done justice to this day or to-morrow, a very few months will elapse before those who are loudest in clamouring against them, will admit them to have been in the right.

MARCH 8, 1841.\*

He would appeal to the House whether he had said that public opinion should be set at defiance. He had used no such words. But he had said, and he always should say, that when he was satisfied that a certain course was required by his public duty on a case, the circumstance of clamour being raised, which was in a degree unjust and intemperate, was only an additional reason why a man of spirit and confidence should firmly do that which he considered himself bound to perform. No one respected the opinion of his countrymen more than he did, and he did so because he believed that they were willing to hear what was to be said on both sides of a question, because he believed that there was a disposition in this country to respect men who, even in opposition to a strong public clamour, should discover and act upon their conscientious feelings. He believed that the course which the Government had taken, was that which was just to the service, and which would really promote the true interests of the country, and, because he thought so, no clamour and no intemperate view of the case should drive him on. He had not intended to rise upon this occasion, and he had only addressed the House in consequence of what had fallen from the hon. Member for Kilkenny. He believed, that he could make many corrections as to matters of fact which had been alluded to in the course of the evening. He would refer to the expressions attributed to him by the hon. Member for Bridport, which were not such as he had used. He believed that the communication of Lord Hill was a general admo-

\* Hansard's, 3d Series, vol. lvii. p. 30-32.



nition to the regiment, to the effect that the dissensions between the commanding officer, and some of the other officers, had a tendency to render the corps inefficient. There was, on the other hand, abundance of evidence to show that Lord Cardigan, whatever might be the grounds of complaint against him, had brought the regiment into the highest state of discipline, and that this had occurred within an extraordinarily short time after its return from India. He could not sit down without adverting to what had fallen from the hon. and learned Member for Dublin, on the subject of the condition of the Roman Catholic soldiers in the army. He quite agreed with the hon. and learned Member, that whatever opinions we might hold, or whatever measures we might adopt, as to our religious establishments at home, the recruit of the Roman Catholic persuasion who was taken up in Ireland and conveyed 15,000 miles off, into the midst of a Pagan country, ought to be provided by the State with the comforts of his religion. Not only the happiness and virtue, but the discipline also of the troops would, he was satisfied, be promoted by such a course. The government of India had always acted upon the same view, but he would make it his duty to make a representation to the Court of Directors in order that it might be, if found necessary, more fully acted upon.

## FLOGGING ON THE SABBATH—THE EARL OF CARDIGAN.\*

APRIL 20, 1841.

[MR. HUME, seeing the Secretary-at-War in his place, begged to ask him whether the statements which had appeared in the public papers were correct, that a soldier of the 11th Hussars had been flogged on Sunday, the 11th inst., and whether there were any regulations at the Horse-guards with respect to military punishments on that day?]

MR. MACAULAY replied, that, although the discipline of the army was not immediately connected with his department, yet, as he might be supposed to be more connected with the army from the office which he held than other Members of her Majesty's Government, he had felt it to be his duty, in anticipation of any questions being put to him, to obtain such information as would enable him to give an answer. With respect to this case, the facts were not precisely as they had been stated in the public prints. It was not the case that the punishment had been inflicted on the soldier under such circumstances as if it were a continuance of divine service. It was not the case that the troops were kept in the place where divine worship was performed, for the purpose of seeing this punishment inflicted, nor was it the case that the soldiers of another regiment, which attended divine worship at the same place, were detained for this purpose. He was assured that the soldiers of the 11th regiment were marched out of the riding school, and the other regiment was marched to its quarters. The

\* Hansard, 3d Series, vol. lvii. p. 956-58.

former regiment was then inspected for about half-an-hour, and then marched back to the riding-school, where the punishment was inflicted. On the ground of a want of humanity, he believed that no one could throw a charge on the officer commanding this regiment. As long as they retained corporal punishment for the preservation of the discipline of the army, the offence of which the soldier who underwent the punishment was guilty, was one for which it should be inflicted. Whatever other imputations there might be cast on Lord Cardigan, a disposition for the infliction of corporal punishment was not one which could justly be thrown on him. From inquiries which he had made, he had found that since 1339, up to the recent case, there was not an instance of the infliction of corporal punishment in this regiment. The charge, however, for which he was justly liable to public censure, was the immediate infliction of punishment on a Sunday after divine service. Such a proceeding was clearly contrary to the religious feelings and habits of the people of this country, and could not be reconciled with either good sense or good feeling. Under such circumstances, he (Mr. Macaulay) never could appear as the advocate of such proceedings. The case, however, was not peculiar, as similar instances had occurred in the army, as well as in the other branches of the service; but all the officers he had consulted on the subject, distinctly stated that such a proceeding could only be justified under circumstances of extreme exigency. Such notice, however, had been taken of this proceeding, and such further notice would be taken, as to render it impossible that a recurrence of it could take place.



APRIL 22, 1841.\*

[MR. HAWES gave notice, that to-morrow he should move for a return of the number of instances of corporal punishment which had been inflicted on a Sunday in the British Army during the last ten years. He begged to ask the right hon. Gentleman the Secretary-at-War whether there had been any infliction of corporal punishment under circumstances similar to those that had taken place in the recent punishment of a soldier of the 11th Hussars, under the command of the Earl of Cardigan.]

MR. MACAULAY said, he was much obliged to his hon. Friend for asking this question, and for giving him an opportunity of setting right a misunderstanding with regard to what he stated on a previous night. It had been stated that he had said that there were precedents for the conduct followed—he must say most improperly and culpably—by Lord Cardigan, in flogging a soldier on a Sunday. What he had stated was this, that having inquired of officers of great standing and experience in the service, he had learned from them that there were precedents of punishments having been inflicted on a Sunday, but not precedents which bore out the conduct of Lord Cardigan, because they had stated that such punishments were never justifiably inflicted except in cases of military exigency, and on march, when there was no choice. But the Sunday punishments did not bear out the conduct of Lord Cardigan, and he had distinctly stated that the punishment in the particular case alluded to, might, without the smallest inconvenience, have been postponed till next day. This information would probably meet the views of his hon. Friend. He was not aware that such a

return would afford an instance of a similar kind; and his own belief was, that for the last ten years there were no instances of punishments having been inflicted on a Sunday except in cases of great disorder occurring on a march or other exigency.

MAY 13, 1841.

ON the motion of Mr. Muntz :

"That a humble Address be presented to her Majesty praying her Majesty to institute an inquiry into the conduct of the right hon. the Earl of Cardigan, during his command of the Eleventh Hussars, with the view of ascertaining how far such conduct has rendered him unfit to remain in her Majesty's service."

He hoped to be able, in a few minutes, to state to the House sufficient grounds for dissenting from the motion of the hon. Member. His first objection was a very obvious one. It was a constitutional objection. He believed that the hon. Gentleman himself would admit, that while there was no prerogative of the Crown which that House was not entitled to offer its advice upon, yet it was necessary that, in offering advice on such points, it should be guided by a very sound discretion. Indeed, none but the most imperious reasons, in the most extreme cases, could warrant such interference with the royal prerogative; and he believed that, above all other prerogatives, in all well-organized states, the control of the army, and the awarding of rewards and punishments to military men, were considered most exclusively to belong to the supreme executive authority; and that such matters ought not to be submitted to large popular assemblies of men, who were too apt to be influenced by party and factious impulse. He did not deny, however, that there might be extreme cases in which such interference would be prudent and proper; but he did not think that the present was a case of that kind. He thought that her Majesty's



Government ought not to counsel her Majesty to follow the advice of the hon. Member in the present case, whether that advice were concurred in by Parliament or not. With respect to the particular occurrence to which the hon. Member had referred, he had not hesitated, on a former occasion, to express the opinion he entertained of the conduct of the noble Earl on that occasion; but he must say, that whatever might be the faults of the noble Earl, he considered him as one of the most unfortunate men of the present time. Into the merits and demerits of the noble Earl's conduct, however, he would not go at present, but, viewing that conduct in whatever light it might deserve, he still said, that the present motion was highly objectionable, because, in all matters of this kind, they should be guided by general rules; they should beware how they hasten to take advantage of the unpopularity of an individual, to introduce a precedent which, if once established, would lead to the most fatal effects to the whole of our military system, and work a great injustice to all officers in her Majesty's service. What was the case of officers in the army? They bought their commissions at a high price, the interest of which would be very nearly equal to the pay they received; they devoted the best years of their lives to the service, and were liable to be sent to all, and even to the most unhealthy parts of the globe, where their health, and sometimes their lives, fell a sacrifice. Now was it to be expected that men of spirit and honour would consent to enter this service, if they had not, at least, some degree of security of the permanence of their situations? Certainly one of those securities was, that no officer should be deprived of his commission, except by sentence of a court-martial. There might certainly be exceptions; as, for instance, where an officer had done something which was cognizable by a court-martial, but there were strong reasons why a proceeding of that sort should not be adopted. But to charge an officer by an *ex post facto* proceeding, without a court-martial, and of a nature not cognizable by virtue of the

Mutiny Act, would lead to a great injustice, and a most fatal uncertainty in our whole military system. If some part of the statements which had been made were true; if the fact of the Earl of Cardigan having given the lie to one of the officers at the head of his regiment, had been represented to the proper military authorities, notice would have been immediately taken of it. He could only say that he never heard the smallest whisper of such a practice. With regard to the unhappy event of the flogging on the Sunday, he believed that no person acquainted with the military law of this country would be of opinion that that was an act which, however flagrant it might be considered, as a breach of decorum, a court-martial would condemn as a breach of military law. That opinion rested on the authority of Lord Hill, the Adjutant-General, and the Duke of Wellington, who said that, however great the indecorum might be of an act not included in the Articles of War, or the Mutiny Act, or the regulations of the army, it must be looked on as a *casus omissus*, which could only subject an officer to a reprimand by general order, and thus be raised to an offence which, in future, would make the party guilty of it liable to court-martial. As to the proposition of the hon. Gentleman, for erecting that House into a penal court of inquiry, he must protest against it as a species of tribunal, dangerous and revolutionary. It would make that House, which had not the power to administer an oath to witnesses, or punish them if they prevaricated, a court for passing a sentence, which might ruin a poor man in the shape of a pecuniary fine, or in attaching a stigma to his name almost worse than death itself. With regard to the part which he felt it his duty to take on this question, he desired any Gentleman to imagine any motive which he could have beyond a regard to the performance of the duties of his office, and a regard for the interests of the service, in speaking as he had done in behalf of a man with whom he had never had the slightest personal communication, whom he did not know by sight, and with regard to whom everything that he

did know—apart from the unfortunate circumstances with which his name had been mixed up—led him to think he was a decided opponent of the Government of which he was a Member, and of the party to which he was attached.



## JEWES' DECLARATION BILL.\*

MARCH 31, 1841.

AMIDST cries of "Divide," he said he could make allowance for the hon. Gentlemen, and he would detain the House for a very little while indeed. He would confine himself to a few words upon a remark made by his hon. Friend, and repeated by the hon. Gentleman who seconded the amendment. Those hon. Gentlemen had treated the bill in a very improper manner. They had discussed it as if it would relieve the Jews from all civil disabilities whatever and would render them eligible to sit in Parliament. The bill had no such object. It was true that his noble Friend (Lord J. Russell) had said, that they ought to be admitted to seats in Parliament and he (Mr. Macaulay) was of the same opinion. But that was not the question at present. This was a measure for admitting them to civil and municipal offices, and his hon. Friend opposed it not because he gave any reasons for thinking Jews incompetent to fill such offices, but because he thought them not competent to act in the Legislature. He had listened with great attention to the speech of the hon. Gentleman, and he was quite unable to discover any argument therein against the removal of these Jewish disabilities which might not be urged with equal force against a large proportion of the Members who, at that moment, had seats in the House. His hon. Friend alluded to the prayers which were offered up in that House, and he asked, could Jews join in them? But that was a question which would apply to many Gentlemen already

\* Hansard, 3d Series, vol. lvii. p. 861-64.

in that House. There was one Gentleman, a member of a highly respectable sect, which considered such a form of prayer to be irreligious. His hon. Friend said, that the prayer asked for the promotion of true religion. But there was as much difference already in the House on the subject of true religion, as there was between the Jew and the Christian. The Roman Catholic differed from the Protestant, and the Unitarian differed from the Trinitarian, as to what was the true religion. Whichever of them was right, there must be a great deal of false religion in the House of Commons. But it was not the object of the bill to introduce the Jews to Parliament. He called on every Gentleman who thought the Jews competent to discharge the duties of municipal officers to vote for this bill, without being deterred by an apprehension, that if he conceded now what was right and just, he might next year be asked for something which he considered improper. Political measures were not connected together by so logical a sequence as to make it essential that some further measure must follow this. The hon. Member had started a special ground of apprehension, as he conceived it. He said, that so much attention having of late years been paid to religious questions in that House, and religious disputes continuing to form so prominent a feature in Parliamentary discussions, it would be peculiarly wrong to admit Jews into the House to decide upon matters of such vital interest and importance to the Christian community. In the first place, let him repeat it once more, this was not a bill for admitting Jews to the House of Commons; and, in the second place, even if it were, it was quite impossible, that any Jewish Members of the House could differ more widely from the Christians, upon religious questions, as they came before the House, than the Christian Members did among one another. Take the Scottish Church question, for instance; the Jews were by no means a proselytizing nation, and the utmost they would do, if they interfered and took ever so warm a part, would be perhaps to abolish the present Scottish Established

Church, and introduce the voluntary system; and for that matter he (Mr. Mauley) thought he could find forty Christian Members of the House who would go quite as far. He must say, that he considered it in the highest degree disgraceful to humanity—disgraceful to a civilized community, to treat or speak of the Jews in the manner which had been exhibited on the occasions on which this question had been discussed. Much as he condemned and regretted the conduct of the Church to the Dissenters, he did not see that this bore any comparison with the hardships to which the Jews had been subjected. The hon. Member said, the Jews laboured under no practical grievance, and spoke of their exclusion from office as nothing to be complained of. That incapacity to hold office which among the other nations was made part of the punishment of crime, was, according to the hon. Gentleman's singular theory, no ground for complaint, no grievance, no oppression, when put into effect against the Jewish nation. What would the hon. Gentleman think if he had been declared incapable of office? or if, to take his own view of the case in hand, he had been excluded from that House of Commons, of which he was so great an ornament, simply because he had happened to differ in religious opinion from the established creed of the country? Before such a principle was adopted some strong public necessity should be shown. Carry out the principle to its legitimate extent, and what would it lead to? Why, in the lapse of time you would be justified in whipping and burning men for holding certain opinions on religious subjects at variance with what had been considered by many to be the test of what was right on the question. Another proposition was advanced, equally extraordinary and objectionable with the other, that there were so very few of the Jews that it did not much matter whether they had a grievance or not. A magnificent proposition truly! The Roman Catholics of Ireland because they were millions, and the Protestant Dissenters of England, because they, too, were some millions, had, it seemed,



claim to political liberty, and a claim which, when they insisted upon it, the Duke of Wellington, with all his nerve and courage, had not thought it advisable further to oppose. But the Jews, truly, because they were not millions—because there was no fear of a state rebellion in Petticoat-lane or Duke's-place—were to suffer their grievances in silence. We need not dread formidable meetings like those in the Corn Exchange, if we withheld from them their rights, and therefore it was said they should be withheld. This argument would be equally strong against the Quakers. The number of Quakers was smaller than that of the Jews, and on what principle did they admit the one and exclude the other? It must be remembered also, that this argument told both ways. If on the one hand serious injury to the State was not to be apprehended from the hostility of the Jewish population, on the other hand, there was no reason to apprehend their predominance among the people in such a manner as to diminish the number of Christians, whether they belonged to the Established Church, or to any body of Dissenters. They were a small sect, and not a proselyting one, and therefore, if these circumstances were urged to show there would be no danger in refusing their claims, it might also be used to show, that there would be no danger in granting them. The House of Commons, it had been observed by his hon. Friend, used to exercise functions much more important than now belonged to them. They were formerly called upon to make articles and draw up creeds, and modes of worship, duties which it was not likely they would be again called upon to execute. For his own part, he had of late seen so much proof how little articles and forms were able to bind the ingenuity of casuists, that he should be sorry to see the House again occupied in framing such cobwebs. He could only wish for that which would put an end to this bill and all such bills—enlightened toleration; but if learned persons elsewhere would teach the Jews some of their own ingenuity, there could not then be the slightest doubt but that, as those ingenious persons

swallowed confession and absolution, so these tests might also be swallowed by the Jews without the slightest hesitation. He would venture to say, that a better gloss could be found for a Jewish declaration than other glosses which he had seen, and that not merely for the purpose of obtaining civil offices, but in order to hold the faith of Rome with the endowments of the English Church. He regretted, that the hon. Gentleman who had seconded the motion, had introduced some topics which might, in his opinion, have better been omitted. The hon. Gentleman had alluded to the great national crime committed by the Jewish people more than eighteen hundred years ago; but he did not think that House was a proper place in which to make such an allusion. He should at all events say, that, from that event, the most solemn which man could contemplate, there was one lesson to be derived which should not be forgotten. They should remember, that the greatest crime ever committed upon earth was committed by men who knew not what they did under the influence of religious intolerance. For his own part he should say, that on every occasion in which an attempt was made in that House to take away any civil disability imposed upon men in consequence of their religious opinions, it should receive his most strenuous support.

## THE SUGAR DUTIES.\*

MAY 11, 1841.

UNWILLING as I am to stand in the way of my hon. Friend (Mr. Gisborne), who has the right in point of strict regularity to address the House, the House will feel that it would be difficult for me, after what has been said in this debate, not to take, if possible, the first opportunity of offering myself to your attention. It happened that I was not in my place last night. Had I been here, although at that hour, and in the state of the House, I should have had some difficulty in commanding attention, I should, notwithstanding, have trusted that for the very few minutes I felt it necessary to offer myself, I should have experienced that courtesy which in the midst of the most exciting political discussion an assembly of English gentlemen were ever ready to afford to any person whose personal feelings may be naturally excited. I am glad, however, that it was otherwise. I am glad that until this morning I was unacquainted with some part of the debate which occurred last night. The consequence is, that I come here without, I trust, any feeling of irritation. I will not say, that the hon. Member for Newark, whom I will still call my hon. Friend, could have intended to be personally offensive to one from whom he never received any personal provocation. I am satisfied of the contrary; and the more so as some part of the expressions imputed to the hon. Gentleman were of a nature so gratifying to my feelings, that they more than compensated for the pain which was given by a censure which was not deserved. Avoiding, therefore, any irritating expression of my

\* Hansard, 2d Series, vol. lviii. p. 188-195.



feelings, avoiding any recrimination or retort, I shall request the attention of the House for a very few minutes to an explanation of the part which I mean to take in the decision of the question before it. I do not intend to touch upon the general principles involved in this debate. I willingly leave them to rest on the luminous and eloquent exposition of my noble Friend (Lord J. Russell) to which I feel it would be difficult to add anything. The questions of detail I with equal pleasure leave to my right hon. Friends the Chancellor of the Exchequer and the President of the Board of Trade, and to other Gentlemen whose intimate knowledge of the commercial and manufacturing interests of the country enables them to speak with an authority and ability to which I cannot pretend. I only offer myself to a point on this question with regard to which it is impossible for me to continue silent. I shall endeavour to state, as soberly and as temperately as I can, those reasons which may lead a person who has, according to his situation and the measure of his ability, made exertions and sacrifices to remove from our laws the stain of slavery—a person who is sensible of the peculiar responsibility which lies on him for exertions and sacrifices, not his own, on this great question—honestly and properly to support the measure of her Majesty's Government. My hon. Friend (Mr. Gladstone), if I rightly understand him, imputes to me, and to those who take the same view of this motion, some dereliction of principle. Nay, he speaks of our laxity of principle, and a certain infatuation amounting to a judicial blindness, which marked the conduct of those entertaining the same opinions as I do with regard to slavery, in giving their adhesion to the views of the Government. What is this principle which we have lost sight of? I am utterly at a loss to discover any that we have violated. I have listened to speeches in this House: I have read the newspapers: I have looked at the resolution of the noble Lord (Lord Sandon) for the purpose of lighting upon the great principle of humanity and justice which we have been accused of

violating; and I have examined all these sources in vain. As to the resolution which has been laid before the House, I do not complain of it. I do not say, that it is not a justifiable mode of political warfare; but with any statement of a moral principle, it is clearly not chargeable. It, on the contrary, appears to me to be a skilfully contrived party motion, the object of which is to perplex and dispossess the advisers of the Crown, without committing their successors. I see nothing in that motion which, if it be carried, can impede the success of that principle of free trade which I devoutly hope may be ultimately sanctioned, or which can prevent those now opposed to such large and enlightened views coming down on some future occasion to the House with exactly the same proposition as that submitted by her Majesty's Government. I have read, as I have said, controversial writings—I have looked into debates, and still I try in vain to find out the great moral principle which we are accused of violating. Is it intended to set up as a law of morality that we ought not to take slave-grown produce? Clearly not. That we may use the slave-grown cotton of the United States, and slave-grown coffee and tobacco, is not contested. And with regard to sugar itself, that which is the product not only of slaves, but of the slave trade, is not found to be interdicted in large portions of the British empire. We do not deny its use to the Canadians or to the people of the Cape of Good Hope—nay, we do not deny it to the inhabitants of these very West-Indian islands. What, then, is this moral principle—this great general law of humanity and justice, which permits a man to wear slave-grown cotton on his feet, and not taste slave-grown sugar in his tea—which permits him to smoke slave-grown tobacco, and denies him a palatable beverage to drink with it—rather, which permits him the enjoyment of a cup of slave-grown coffee, but does not allow him to sweeten it with slave-grown sugar. Nay, to make the absurdity more complete, which permits slave-grown sugar to be imported into Newfoundland and Barbadoes,

and declares it shall not be admitted into Yorkshire and Lancashire. I can perfectly understand that hon. Gentlemen opposite may have reasons of good weight why they should tolerate one and not the other; but I altogether deny they can rest the distinction on any great general law of morality. And I must say, when I contemplate the whole case got up on the opposite side, it seems to me that the distinction which has been drawn partakes very much less of moral feeling than of party interests. As to my conduct, and that of those who think with me, I shall perhaps best defend it by stating the considerations which weighed with my own mind in taking the course on which I have decided. Suppose any philanthropist were persuaded himself of the justness of the step, and called on us to exclude the cotton of the United States: suppose he were to draw—and I fear he might draw with great truth—a very melancholy picture of the moral, social, and physical evils connected with the system of slavery in the southern parts of the United States. Suppose he were to ask whether we could consent to receive three or four million pounds of cotton annually, every ounce of which was the produce of slave labour. and then call on the House to pass a law interdicting by a direct prohibition, or by a duty so high as to amount to a direct prohibition (which is the case of the foreign sugar), the importation of cotton from such a quarter—the right hon. Member for Tamworth, the hon. Member for Newark, and the right hon. Member for the Tower Hamlets, would, with one voice, pronounce such a proposition inadmissible. The reasons they would give for coming to such a determination, I am sensible I could give but very imperfectly; but I think I can state the views which, in such a case, would influence my own vote, and then I shall leave it to the consideration of the House to say whether these reasons do not to a great extent apply to the present case. I should say, if such a proposition were brought on, “I admit that slavery is a great and fearful evil; I admit that in all parts of the world which are within



the sphere of our power we lie under a moral obligation to abolish it. I admit that no cost, however great, should stand in the way of what is so clear a duty as it ought in that case to be considered ; but the case of slavery within the control of our own power, and that of slavery in a foreign country, present such distinct features that they ought to be treated on perfectly different principles." We have not the sovereign power of the united legislature of the States. We cannot say to the slave owners of Georgia, as we did to those of Antigua, "here is money to reimburse your loss ; set your slaves at liberty, admit them to the enjoyment of freedom and to the exercise of equal rights with yourselves." We can exercise no such direct control ; we can only influence such parties by some indirect means. Some of these it is clearly our duty to use. Whatever the persuasion, the discussion, the moral power, the arguments, and the practice which one great nation can effect with another, we are bound to resort to. I regard with the highest approbation those efforts which have been made for the purpose of putting down the slave trade, through means of English cruisers, and of making treaties with foreign nations with the object of putting down that trade ; but if we are called on to prohibit all commercial intercourse between countries employing slave-labour and our own, if we are called on to prohibit the free admission of their produce into our ports, the question presents itself in a very different aspect. I am here charged, in the first place, with providing for the happiness of our own people. It is committed in a very different form from that by which the people of other countries are recommended to my care. All men have certain claims on my sympathy, but all have not equal claims. I maintain if the state neglects that which is its proper and legitimate duty, a risk is run that both the functions which legitimately belong to it, and those which it unnecessarily usurps, will be ill performed. I see in this country a great manufacturing population, drawing the materials of manufacture from a limited market. I see a great

cotton trade carried on, which furnishes nearly two millions of people with food, clothes, and firing, and I say, that if you shut out slave-grown cotton, you would proudee a mass of misery amongst the people whom Providence has committed to your charge frightful to contemplate; you would introduce desolation into your richly flourishing manufacturing districts; you would reduce hundreds on hundreds to beggary and destitution; you would risk the stability of your institutions—and when you had done all this, you would have great reason to doubt whether you conferred any great benefits on the particular class for whom you made such sacrifices. You would merely transfer the present trade which you carry on to your rivals. You would make Germany a Warwickshire, Leipsic another Manchester, and without elevating one slave in the United States to the position of a freeman, you would bring hundreds of thousands of your own industrious artizans to beggary. If any person were to come forward with such a proposition, for the exclusion of slave-grown cotton, I think I should be justified in opposing it on the grounds I have stated; and it appears to me, that this motion should be judged of, though not quite to the same extent, on the same principle. The question must be looked at as one of expediency. To the best of my power I have fairly weighed the effect likely to be produced to the people of England, by depriving them of the market of Brazils, which I firmly believe will be, to a great extent, if not altogether, shut out by the continuance of your present commercial law. I have endeavoured to consider what effects will be produced in extinguishing the Brazilian slave-trade by the influence which Great Britain would necessarily acquire, if she opened her markets to the Brazilians. I have attempted to compare the degree of unhappiness, which could possibly be removed from the Brazilians, by a commercial system of restriction, with the degree of unhappiness inflicted on a people more immediately placed under our charge, by a perseverance in such a course of policy. After making this

comparison it is my deliberate opinion that it is our duty to adopt a proposition similar to that of her Majesty's Government. I really cannot conceive how any hon. Gentleman who is content to receive slave-grown cotton can pronounce a departure from principle to have taken place in the conduct of others, because calculations as to the effects of a change in our present system by one party differ from the views of the other. Nor can I see any inconsistency in giving twenty millions for the abolition of a great moral and social evil which we were guilty of inflicting, which was under our control, and which oppressed our fellow-subjects, the negroes of the Indies; and saying we will not pay what I verily believe will be a great deal more than twenty millions, for the purpose of averting what I admit to be a horrible evil, but for which we are not responsible, over which we have no direct control, which we cannot abolish, and which I very much doubt whether we should, by taking such a course, at all diminish. It has been said, that foreign nations will look with astonishment at the inconsistency displayed by parties on this question. I do believe that foreigners will be surprised when they look into this question, and see the different conduct pursued by those when a great monopoly was connected with the continuance of slavery in our dominions, and the scruples now raised concerning it, when carried on in a foreign country. And if foreigners carry their curiosity far enough, and, looking into the public lives of those who have come forward on this occasion, compare the present division with those that took place formerly, and particularly in 1823, they may perhaps find some reason to be astonished that precisely the same persons who struggled most vehemently to uphold the great evil for which we were directly responsible and which it was our first duty to remove, were those who maintained that no sacrifices were too great for the extinction of an evil which we did not produce, and which we were in no way directly bound to remedy. My object has been only to show, that there is no necessary inconsistency in wishing



to extirpate slavery within the British Empire, and, at the same time, supporting the proposition which has been laid on the Table of the House. As to the general question, I shall only say, that a great financial and commercial crisis appears to me to have arrived at the same time. For the support of the public faith, and for the safety and dignity of the State, the wants of the revenue must be supplied. For the security of our manufactures, and to protect them against rivalry, our great towns have cried out for the removal of commercial restrictions. It so happens that her Majesty's Government have the power by one measure to stop the revenue, and to extend our commerce; to make good the deficit in our supplies, not by making the people poor, but, as I conscientiously believe, by making them rich. I utterly deny, and I can speak with confidence of my own feelings and opinions, that these measures have been thrown on the Table of the House in a fit of random despair. I deny that I despaired of seeing the greater part of them carried. We have miscalculated—that is unquestionable. We well knew in the present state of parties, that the strength of the Government alone was utterly incapable of carrying them. But, even after the evening on which the Chancellor of the Exchequer made his statement, and down even to the moment when the noble Member for Liverpool laid his motion on the Table, I had hopes that there were persons on the other side, who from a patriotic feeling, from a just consideration of the necessities of the State, would—as, to do them justice, they had done on many other occasions—have come forward, and without relaxing their general opposition to the Government, have assisted that Government in meeting the difficulties which pressed on the country. Their support would undoubtedly have enabled the Government to carry the material parts of the Budget, including that now under debate. These calculations have turned out to be unfounded. But the seed we have sown is not lost. I feel a firm conviction that at no distant period these great reforms we have proposed in our commer-

cial system will become the law of the land. I don't expect, when that time comes, we shall occupy these benches, but whenever it arrives, I shall not deny my adhesion to the principles of that great party to which I am unalterably attached. It is not the first time in the history of that party, that they yielded the harvest to those who did not bear the burden and heat of the day. It is not the first time they have been eager supporters of a measure which they believed likely to promote the public good, whatever were the motives, or however tardy the admission in its favour of the party which brought it forward.

## CONFIDENCE IN THE MINISTRY.\*

MAY 27, 1841.

HE felt called upon, in the first instance, to congratulate the right hon. Gentleman [Sir R. Peel] on the support which he had just received to his motion by the hon. Gentleman who had just sat down [Mr. Walter], who stated that he should vote for it, not on allegations previously stated on the opposite side, but on grounds completely contradictory to any which had been urged by the right hon. Baronet. The hon. Member said, that the principles on which he was prepared to vote for the motion, and to withhold his confidence from the Government, rested, in the first instance, on the Government's support of the question of privilege last year, and in defence of which the right hon. Baronet distinguished himself more than any other Member of the House; and, secondly, on their introducing and continuing the New Poor-law Bill, of which measure the right hon. Baronet, much to his honour, was a most strong and zealous supporter. He did not rise for the purpose of dwelling on these discrepancies, but for the purpose of following and answering some particular parts of the right hon. Baronet's speech, to which hitherto no allusion had been made by hon. Gentlemen on his side of the House. He would endeavour to compress what he had to say into as narrow limits as possible. He must, then, at once express some little surprise at the form of the present motion. If the right hon. Baronet had chosen to assert the principle that the present Government had not the confidence of the House of

\* Hansard, 3d Series, vol. lviii. p. 877-888.



Commons, there might be some argument for his motion ; but then he did not adduce an argument for the great constitutional question which was lying behind the first assertion in his resolution. As far as he had observed the conduct of the right hon. Baronet, it appeared to him that he was generally against the assertion of any general principle which applied not only to any particular question, but to any other case that might arise. But in this resolution—this judicial resolution—he departed from his usual course, for he thought fit to lay down a general principle as to what was in conformity with the spirit of the constitution. He believed that it was no light matter for that House to pledge itself on its journals that one or the other course was in conformity with the spirit of the constitution. It was a serious matter for that House to come to any such resolution ; for if any particular men acted upon the spirit of it the greatest inconvenience might ensue. He said this with confidence ; for, if in any pressing emergency, or under circumstances of difficulty, the spirit of the constitution was violated and departed from by any public men, and if the House felt justified in sanctioning the proceeding, then they must determine that the opinion of that House, as contained in the resolution, was null and void. If, therefore, the House agreed to a resolution proposed by the right hon. Baronet, that the present Administration did not possess nor deserve the confidence of the House of Commons, and that, therefore, it should be instantly removed, he could understand and appreciate the course of proceeding ; but then the House would not fall into the error which the right hon. Baronet had done, in laying down what he believed to be nothing more nor less than a political dogma. The truth was, that the right hon. Baronet had mixed up the major part of his proposition with the minor. The major part of the proposition was, that her Majesty's Ministers do not sufficiently possess the confidence of the House of Commons to enable them to carry through the House measures which they deem of essential importance to the public

welfare, and the minor portion of the proposition was, that their continuance in office, under such circumstances, was at variance with the spirit of the constitution. On the latter point, he would join issue with the right hon. Baronet, and he thought that he had good and conclusive ground for asserting that the House should not agree to this part of the resolution. But, first of all, with respect to the declaratory part. He thought that it was in the highest degree against the spirit of the constitution to sanction such a proposition. He could readily believe a state of things when such conduct as was impugned in this resolution was inevitable—when a state of things might arise from which there was no other possibility of escape—when a state of things might occur in the country which rendered the proceeding necessary—and he believed that almost at the present moment there was such a state of things in this country as to render any other course, if not impossible, a matter of the greatest difficulty. He believed that the right hon. Gentleman's proposition might be met with a *reductio ad absurdum*. The proposition of the right hon. Gentleman, he contended, must, in certain states of parties, be violated by all governments. Take a plain and simple deduction from what had occurred, and was likely to occur again. There were 658 Members of that House. What security was there in the constitution of the country against their bringing forward propositions which the House would not support by a large majority? For instance, on any question, there might be 320 strong and zealous Tories or Conservatives on the one side, and 320 strong and zealous Reformers, or supporters of the present Government, on the other—and suppose, also, that there were seventeen or eighteen Gentlemen who objected to the strong opinions of either party, and were adverse to adopt either of the extreme opinions that might be proposed. Under these circumstances, in what manner would the right hon. Gentleman secure a majority? And under such a state of things, if this resolution was to be adopted and acted upon by

the House, how would the Government be carried on? Was this, he would ask, an impossible, nay, an improbable state of things? Take in the present Parliament the question of the Irish registration of voters. This was a question of the greatest importance, and involved the most momentous considerations. Whatever differences of opinion were involved on the subject, both sides, he was sure, would at once admit, that it was a matter of very great importance, as it was a question, which, to a certain extent, involved the constitution of that House, and on the principle on which it was determined depended the return of nearly one sixth of the Members of that House. The House was divided into two great parties on this subject, and they very nearly balanced each other. The one party had at its head the noble Lord, the Member for North Lancashire, the other supported the views of her Majesty's Ministers on this subject. The opinion also entertained by the opposite parties as to the measures of their opponents was strong in the extreme. The noble Lord and his Friends entertained the opinion, that the adoption of the proposition of the Government, with respect to the Irish constituency, would be swamping the present *bond fide* constituency in that country, and that the addition proposed to it by the Government was an approach to the adoption of universal suffrage. On the other hand, many Members on that (the Ministerial) side of the House regarded the measure of the noble Lord on this subject as little better than proposals for the general disfranchisement, and for almost the annihilation of the body of voters in Ireland which existed at the present moment. The difference of opinion was here fundamental and undeniable. Between these two great parties, however, there was a small body of Members who entertained the extreme opinions of neither; this body, although small in numbers, was most respectable for its talents, but by their votes and influence were enabled to prevent either party succeeding in its measures. What were the circumstances that had arisen during the contests on this subject? Last



year the noble Lord proposed his bill, and it was opposed, but opposed in vain, by the Government. He succeeded in getting it into committee, but when there, almost on the first division, the noble Lord was defeated in a clause which he considered the most essential part of his bill. The noble Lord was defeated on a part of his bill, which he considered the great blemish of it, and it was clear to his mind, that if the noble Lord had not abandoned it, he would have had no chance of carrying it during the present year; the plan of the Government had been entertained by the House on its second reading, but on going into committee, it was defeated on one of its essential principles, and was, therefore, abandoned, and thus the matter at present stood, and neither party could succeed in carrying its measures. Might not similar difficulties and the same proceeding arise on other questions of importance, and above all on those of a fiscal character? for what finance question could be proposed which did not affect some interest or other, and which, if proposed, would not for the time throw that particular interest so affected, into opposition? in such a case, when the adverse parties in the House were nearly divided, any Minister might be embarrassed and thwarted in his views. He did not hesitate to assert, that if the right hon. Baronet had been in office, and the House had been constituted and divided as the present was, and he had brought in a Budget, and without attempting to guess what his plan might be—he would have had to encounter difficulties as great as those the present Government had had to contend with. The question, then, resolved itself into this—whether, in a very nearly balanced House of Commons, the principle laid down by the right hon. Gentleman should be abandoned, or whether they should have no Government at all. There was no provision in the constitution to prevent the electors returning 329 Members on each side. The decision of this matter rested with the constituency, and the House could not have any influence in the result. He therefore contended, that the right hon. Gentleman's course in declaring that this state

of things was contrary to the spirit of the constitution, involved the proposition, that in certain states of things in this country, we must inevitably be left without a Government. These were the grounds, why, on general reasons, he characterized the motion of the right hon. Gentleman as contradictory and impracticable. Then, again, he felt, that in the position which he had taken, he was fortified by the proceedings in the best time of our history, and by the doctrines laid down by the best authorities on constitutional matters. It was the first duty of the Ministers of the Crown to administer the existing law. If the House of Commons did not place sufficient confidence in the Government for this purpose, it might express its opinion, either indirectly by the rejection of all the propositions of the Administration, or directly, as was the case in the instance alluded to by the right hon. Baronet, Sir Robert Walpole. The proceedings in either case sufficiently marked the want of confidence of the House of Commons in the Government. Under such circumstances, there was only the one or other constitutional course to pursue—namely, either to retire from office, or to dissolve the Parliament. He denied, however, that it could be called a want of confidence, if the House withheld its assent from any new legislative measure, or refused to sanction the alteration of an old law. The right hon. Gentleman, in the course of his speech, alluded to several events that had occurred since the accession of the House of Hanover to the throne of this country, and had stated that all the instances justified the course he had then taken. He, however, must take the liberty of referring to some instances which would not have met the views of the right hon. Baronet. What had been the conduct of previous Governments on the rejection of new measures propounded by themselves, and which had been rejected by Parliament? In the first instance, did the right hon. Baronet forget the conduct pursued by Lord Sunderland and Lord Stanhope on the Peerage Bill? He did not know whether the noble Lord, the descendant of Lord Stanhope, was present;

but he knew that his noble Friend was on all occasions ready and prepared to defend his illustrious ancestor, and he would appeal to him, in perfect confidence, as to the conduct of that distinguished statesman, on the occasion to which he referred. Had any measure more important ever been brought before Parliament than that during the government of Lords Sunderland and Stanhope, with respect to the peerage? The proposition was, to confine the prerogative of the Crown to the then number of peers, and to allow only an addition of six more to the number. That measure was introduced into the other House, after a recommendation from the Throne; and although it met with the general approbation of the other House, it was almost unanimously rejected by the House of Commons. Did Lord Stanhope then resign? Did any one in opposition to the Government, call upon him to resign? He was sure, if any such demand had been made, that the answer of either Lord Stanhope or Lord Sunderland would have been—"What, give up the seals of office at the present time, and let the Jacobites in?" He was sure that the right hon. Baronet would not, for a moment, imagine that he intended any offensive allusion. The reply, then, of those great statesmen would have been, "What! in such a moment to abandon our offices, and let men into power whom we believe to be concealed traitors?"—of men, whose first proceeding would probably be to repeal the Toleration Act, and revive the bill against Occasional Conformity, and who would render every aid in their power in support of the Pretender? Neither Lords Stanhope nor Sunderland gave way, and resigned in consequence of the rejection of the Peerage Bill, and he thought that they were perfectly right, and were justified in the course which they took. Again, Mr. Pitt followed a nearly similar course in 1786. This case was rather stronger than the former, for, in consequence of the influence of the then Duke of Richmond with the Government, Mr. Pitt, as Minister, was induced to bring forward a proposition for the general fortification of the coasts. This was



shortly after the American war, during which our coasts had been threatened, and strong fears were entertained of landings and invasions, and the feelings which had been excited during the war had not had full time to subside. The resolution of Mr. Pitt was,

“That it appears to this House, that to provide effectually for securing his Majesty’s dockyards at Portsmouth and Plymouth by a permanent system of fortification, founded on the most economical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the state, intimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigour and effect for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged.”

On the division Mr. Pitt was beaten, and immediately after the vote, he stated that he took it as the decision of the House on the subject, but he did not tender his resignation. Did any of the eminent men then opposed to him call upon him to resign, or propose a resolution similar to the present, because he had not sufficiently the confidence of the House of Commons to enable him to carry through the House a measure which he termed in his motion, an essential object for the safety of the state? Did either Mr. Burke, Mr. Fox, or Mr. Windham complain of the conduct of the Government? No; for if they had, what would have been Mr. Pitt’s answer? He would have said, it was true that he had brought forward a very important measure, which he could not induce the House to sanction; but he did not conceive himself called upon to retire from office on that ground. He would have said, it was for him to consider whether those who were likely to come after, or succeed him, were more likely to have the confidence of the House in the administration of the existing law than himself. He would have asked himself, were they more able than himself to carry useful measures? The result would have been, that he would have replied that, on general principles, as the

administrator of the law as it stood, he had the confidence of the House of Commons. He asked if, because the House threw out new measures, not essential for the existing law, a minister of the Crown introducing them was bound to resign? He believed that the right hon. Baronet was a Member of the Government when the property-tax was rejected. On that occasion, did either Mr. Ponsonby, Mr. Whitbread, or any other leader of the opposition call upon the Government to resign? Looking to the amount of the tax, that was a matter of more importance than the recent proposal of the Government, but no one made any suggestion of the kind. If any one had, the answer of Lord Castlereagh would have been, that he believed that the House had more general confidence in the then Government, than they were likely to have in the opposition if called upon to take office, and therefore that the Government were determined not to resign. He considered that this would have been a good and sound reason for refusing to resign. All these cases, however, were anterior to the Reform Bill. Now those who recollected the discussions in that House on that great measure, must remember that it was stated repeatedly by almost all who took part in the debate, that for the future a Government could not depend on a large body of thorough-going supporters, but that a very strong Government would have to contend with obstacles they had not formerly to encounter. It should be recollected also that in case of the defeat of a Government under the old system, the majority was not made up by parties who had left them, who were Members for small boroughs, but the representatives of counties or large constituencies. If you were to examine Mr. Pitt's defeats you would find that they were not occasioned by the small boroughs, but by the flinching to decide of the more open and liberal boroughs. If, before the Reform Bill, the most powerful Ministry was exposed to have measures which it deemed of importance defeated, that was still more probable after that bill. If the right hon. Baronet

founded his case as to constitutional law upon the nicely-balanced state of the House of Commons which had been produced by the Reform Bill, the right hon. Baronet would find, that, were he to come into office, but very few months would elapse ere, by the operation of the same principle, he himself would be very unpleasantly reminded of this same constitutional law. For himself, he did not hold that any Government was bound to resign, because it could not carry legislative changes, except in particular cases where they were impressed with the conviction that, without such and such a law, they could not carry on the public service; and then this was a case which did not depend upon whether the hindrance arose from King, Lords, or Commons. He was quite sure that on both sides of the House, Gentlemen would feel that there were many ways in which it might be ascertained whether the House did or did not repose confidence in a Ministry, without putting on the records of the House so ill-advised and unsound a resolution as this, declaring that such and such were the principles of the constitution. He had hitherto confined himself mainly to the constitutional question raised, but he had no sort of desire to flinch from any part of the question. He was clearly of opinion that up to this time, the Ministry had been quite justified in pursuing the course which they had adopted; and he considered, that as a Ministry, they had the confidence of the majority of that House. There were many vexatious circumstances through which they had had to make way; there were many dictates of duty which they had had to obey, which, had they been otherwise than dictates of duty, might probably have been deemed humiliating; but under all the circumstances, he thought he was justified in saying, that up to this time the Ministry had administered the affairs of the country with satisfaction to the people in general and with honour to themselves. Only a year ago, the House expressly declared that it was not dissatisfied with the Ministry; and since that period, many things had occurred which had been carried on with



out eliciting any declaration of dissatisfaction on the part of the House. He would ask whether the foreign policy which had been pursued by the present ministry, called for the dissatisfaction of the House, or of the country. He would ask whether England—had the present Ministry had, to support its operations, a majority equal to that of the administration of Lord Grey?—he would ask, whether England could hold higher language, or assume a nobler part than she had done under the conduct of the present Ministry? Were the present Ministry to leave the helm of office to-morrow, they would leave England as proud and justly prominent as ever in her political position among nations, and the honour of her arms untarnished. Again, in reference to domestic Government, within a very short period back, the most alarming symptoms had displayed themselves, most threatening to domestic tranquillity. Yet the noble Lord at the head of the Home Department, without the slightest interference with private rights, without any gagging bills, without any suspension of the *habeas corpus*, without injuring any of the valuable securities of the people, with no other means than those of the most strictly constitutional character, had managed to allay the disturbances which arose, and restored the country to its accustomed tranquillity. As to the Government of Ireland by the present Ministry, he was able to appeal to the distinct vote of confidence accorded by the House two years ago, in favour of the policy of their system—a policy which had been strictly adhered to up to the present period. And as to the state of the case now, a crisis had confessedly arrived in which we were under the necessity of providing for a considerable deficiency—a deficiency occasioned not by any act which called for a withdrawal of confidence on the part of the House, but partly by circumstances which rendered outlay necessary for the maintenance of the dignity and security of this country, and partly by the remission of taxation, called for by a large body of the people, and by men on all sides—a remission receiving the support, among others, of many Gentle-

men whom he expected to find voting against Ministers on the present occasion. In connection with the political difficulties which had arisen came a great commercial crisis, and both of these difficult questions it became the duty of the present Ministry to consider. It became a question whether they were to supply deficiencies in a way which should relieve the people, or in a way which should add to their burdens. They chose the former plan. For himself, he had never expected that the whole of the new financial plan would be carried, but he certainly had expected that the sugar and timber monopolies would be thrown aside, and that the corn monopoly would be placed in a more favourable position than before. The plan, however, had failed; but in his opinion, upon the great principles announced in the proposed resolution of his noble Friend, upon that great principle the Ministry, in his opinion, ought to stand or fall. And in this opinion, considering how grave was the importance of the question, considering how strong the feeling was throughout the country—considering the support which they might fairly expect to derive from those interested in the question—considering how completely the ground of those who opposed Ministers in the late debate had sunk under them—considering the general contempt and disregard in which were held the proceedings of those who opposed Ministers on the mock grounds of humanity—the noble Lord the Member for Liverpool seemed dissatisfied at the remark, but the anti-slavery societies throughout England had, with well-nigh one voice, sanctioned the remark, and repudiated the shifts of men who, because Englishmen would not longer let them grind the negroes, now sought to make the negroes grind the English—impressed with all these considerations, he felt, that Ministers, having a due regard to the interests of the people, and desirous to work out the great work now in progress, were bound not to shrink from taking any constitutional means of testing what was the public opinion. It had been said, reproachfully,—“What! dissolve on a popular question, when there is such agitation, such

excitement!" But on what suit or popular question should there be a dissolution? On what question appeal to the people, but a question in which they felt interested? As to the agitation which was suggested, there was no agitation but of the most legitimate description; there was no excitement—no agitation—but what was created of and by the people. Surely the right hon. Baronet did not mean to suggest that the people were not to feel excited, were not to get up an agitation among themselves upon questions which they could not but perceive came home to their pockets, to their best interests and comforts? Surely the right hon. Baronet did not mean to preclude them from taking an honest interest in the returning to Parliament of Gentlemen who should fairly represent their sentiments, and if the right hon. Baronet did not mean this, there could be no meaning in his outcry about agitation. But enough of this; the Ministers had done what they could on their part, the rest must be done by the people. Let but the people unite again with the spirit which actuated them in 1831, to resist corruption and aristocratic influence, and they would have an easy task. If the result was different—if the people neglected their own interests—if they deserted their post—at least they would have no reason to reproach the present Ministers, who would then, without the smallest repining, submit to the voice of the country, and would pursue the only course left open to them, of maintaining through good report and through evil report, as private Members of the House, the same principles which they had advocated as Ministers.



## TOTAL REPEAL OF THE CORN LAWS—MR. VILLIERS'S MOTION.\*

FEBRUARY 21, 1842.

I HAVE listened, Sir, with much pleasure to the speech of the hon. Gentleman who has just sat down [Mr. Smythe]; but, I must say, bearing in mind the taunts so generally urged on the ground of diversity of opinion against this side of the House, he could not have made a more unfortunate selection of topics to prove the unanimity on his. If the hon. Gentleman gives their due weight to the arguments which he has advanced in making up his own judgment, he will, I should think, be very loth to divide with those on whose side he now sits. For myself, Sir, I may perhaps be permitted to say, that as I never on any former occasion addressed the House on this subject, I feel exceedingly desirous not to be misunderstood in taking the course which I am persuaded my duty points out. I think I also owe this declaration of my opinion to the constituent body which I represent. and who, having formed a decided opinion on this subject, having imposed on me the responsibility of giving it my fullest consideration, and, if possible, my zealous sanction, I may be permitted, perhaps, to say, that no constituent body in this empire is entitled, on this subject, to a more favourable hearing. There is, perhaps, no constituency consisting of 120,000 or 130,000 persons who can be considered as standing so much in the situation of an impartial judge. We have heard—and I have heard with great pain—the imputations and charges dealt out against the great community engaged in com-

\* Hansard, 3d Series, vol. lx. p. 746-760.

merce and manufactures. Against the community which I represent, all those abusive epithets and vituperative attacks which have been so freely indulged in, fall pointless. They inhabit a city, the capital of a distinct country having no foreign trade and no manufactures, supported principally by those connected with the administration of the law, by those frequenting its university, or those who are brought there by its literature and by the attractions of its society. It is besides the resort of the gentry of the country, who assemble there at certain stated seasons of the year. I believe it would be difficult to find many constituencies of an equal extent of whom it might be so truly said that in this matter they have no interest except the common weal of the empire. Their interest is that common to all—it is the interest of the consumer. And I can fairly say, that I believe the people of Edinburgh have a feeling so strong on this subject that I have reason to apprehend their disapproval rather than their approval—that they will not at all events be quite satisfied with my conduct in not feeling myself at liberty to support the motion of my hon. Friend the Member for Wolverhampton. With that motion, I must say, notwithstanding, that I agree in principle. To the principle of the right hon. Baronet I am decidedly opposed. It is, I think, fundamentally erroneous. I understand the right hon. Baronet to ground his measure on this principle—and if I be wrong, he will set me right—that the cheapness of the necessities of life is not uniformly or necessarily a benefit to a people. [*No, no.*] That doctrine the right hon. Baronet laid down in a most distinct manner when he introduced his plan to the H. use. He said I should be deluding the people if I held out to them the hope that they can expect any real relief to their distresses from this or any such measure. He said, it is a mistake to suppose that cheapness in the price of food is necessarily connected with the promotion of general prosperity. Now, if the right hon. Baronet is wrong, I must think that he has attempted to found his measure on a false principle. He distinctly

disclaimed—I mention it to his honour—all intention of giving an exclusive benefit to any class. From him we heard no talk of the necessity, on constitutional grounds, of pampering a great aristocracy and enabling them to hold a certain pre-eminent position in the state. All these doctrines were not only abandoned by the right hon. Gentleman, but I understood that he specially disclaimed them, and that he rested his proposal on the ground that it would promote the general prosperity. If then the right hon. Gentleman be not right as to the principle on which his measure is founded, if it be a fact that cheapness of food is a blessing to a people, then I am justified in saying that the measure of the right hon. Gentleman is not defensible on its very fundamental principle. It has often happened that the doctrines of the political economists have run counter to the prejudices of mankind, but in this case their view is confirmed by the general opinion of the earliest ages, and by the universal admission of every nation at the present time, that the cheapness of the first necessities of life is a blessing. So strong has this feeling been, so deeply rooted, that it has been found to prevail in all countries and in all ages. I shall not refer to the Hebrew scriptures as some have done, not very judiciously I think, for the purpose of proving this question of the Corn-laws to be a religious one; but every one acquainted with our oldest and most authoritative histories must be aware that they contain the clearest proof that in remote times, and down to our own times—and no one is better qualified by classical knowledge to furnish instances of the fact from the histories of Greece and Rome than the right hon. Baronet himself—that principle which requires, one would think, only to be enunciated to carry conviction, was acknowledged, that to obtain the necessities of life at a cheap price must be a great blessing. When you suppose that a man has but 40*l.* a year for the support of himself, his wife, and children, it appears monstrous to argue that an extra outlay of 8*l.* per year, for corn, being a pound a year on each of the eight quarters required for the sus-



tenance of his family, is not a matter in which he is deeply interested. I am now only putting the *prima facie* case. How is it met by the Government? Why, the right hon. Gentleman declares, against the universal sense of all ages and nations, that cheapness of food is not necessarily a benefit to a people. His argument, if I rightly understood it, was simply this—there are countries where food is cheap, and the people are not so well off as the people of England, and the countries which he particularly cited were Prussia and Belgium. If the right hon. Gentleman used any other argument on this head, it escaped my attention. Now, Sir, is that argument absolutely worth anything—is it even a plausible argument? If, indeed, any person were so egregiously absurd as to argue that cheapness of food is the sole cause of national prosperity, and that trade and manufactures, and a long course of successful events, have nothing to do with it, I could understand the exposure of the fallacy which pointed out other countries where the necessities of life were extremely cheap, but the condition of the people not proportionably benefited. But all we have argued is, that cheapness of food is a blessing to a nation, exactly in the same sense as health is a blessing to an individual. Of course a man in excellent bodily health may, from family afflictions and pecuniary difficulties, or a stain upon his character, be, on the whole, worse off than the invalid; but that does not shake the truth of the principle that health is good for man, that the healthy man would not be better off than the valetudinarian, if his circumstances were flourishing, or that the misery of the man in health would not be aggravated by having the additional affliction of ill health. The right hon. Baronet's argument goes to prove that there is no such thing as a blessing vouchsafed by Providence to man. Fertility of soil even cannot, with his views, be considered a blessing to a country. Suppose we possessed the power, by legislative enactment, which we do not, of making the barren moors and mountain tops of Scotland as fertile as the vale of Taunton, the right hon. Baronet, upon

his principle, would be bound to tell us it was our duty to abstain from doing so. He would tell us to look at the state of Scotland and of Bengal—Bengal, a country so fertile, that they had regularly three harvests every year, and yet where the labourer cannot enjoy from his earnings one half the luxuries and comforts that are enjoyed by the Scottish peasant. The right hon. Baronet, pointing to the fertility of Bengal, and the state of the labourer there, would say that it is their duty to abstain from the endeavour to make Scotland as fertile as Bengal. In considering this question the right hon. Baronet has kept out of view all those modifying circumstances to which he was bound to have paid attention before instituting the comparison—circumstances all important in the consideration of such a question. The right hon. Baronet's argument consists in leaving entirely out of the question the important considerations of good government, the security of property, internal order, the immense mass of our machinery, the existence of civil and religious liberty, our insular situation, our great mines of iron in the vicinity of our coal mines, and disregarding all these ingredients in a nation's prosperity, he sets up his declaration against the general sense of mankind in all ages and in all nations. There is one single point in the comparison between England and Prussia instituted by the right hon. Baronet, to which, on account of its importance, I will direct the attention of the committee, which has been wholly passed over by the right hon. Baronet; that is, our insular position, and our maritime supremacy, which is the consequence of that position. We have never, within the memory of any one living, seen an enemy in this country. Our fathers never saw such a thing. With the exception of the march of the Highland clans to Derby in the years 1745 and 1746, they must go back for centuries to find the time when Englishmen had seen a foreign enemy in this country.—Can the like be said of Prussia? In the memory of men now living, fifty pitched battles have been fought within her territory, and in one province 13,000

houses have been laid in ashes by the inroads of foreign enemies. Is it to be wondered at, after such scenes, that the peasant of Prussia is not as well off as the peasant of England; or can the inferiority of his condition be converted into a proof that cheap bread is no blessing to a people? If the right hon. Baronet could prove, what he has not even asserted his readiness to prove, that there is a necessary connection between the cheapness of corn and low wages, he would make out something like a case in his favour; but it is impossible to make the attempt, much less establish the connection in the face of the fact that food has recently risen in this country, but wages have not risen in proportion. This induction of the right hon. Gentleman is founded on an experience far too scanty; he raises a superstructure far too broad to rest on the foundation of a single case. It is perfectly true that cheap corn and low wages go together in Prussia, but it is equally true that on the banks of the Ohio food is cheaper than either in Prussia or Belgium, but wages are twice as high. It is therefore perfectly established by experience, as I should say it is, *à priori*, clear, that the mere circumstance of the price of provisions does not in itself furnish any cause why the wages of the labourer should descend in value. Now, Sir, as the right hon. Baronet has shown no reason whatever why the House should believe in his principle that to the body of the people cheap food is not a blessing, his whole reasoning is swept away, for the foundation of his argument is unsound and indefensible. I also dissent, Sir, from the other great principle on which he rests his measure. I deny altogether that we ought to be independent, to a great extent at least, of foreign supply for our food. I do not argue that if we could be perfectly independent, it might not be a good state of things. It is unnecessary to argue that question, for the right hon. Baronet disclaims the notion of perfect independence. I am not fond, generally speaking, of appealing to demonstrations in matters of political discussion, but it seems to me that it can be demonstrated by the



logic applicable to political science, that it is perfectly impossible to have corn dearer than in the surrounding countries, and to be independent of foreign supply. It is estimated that the people of this country consume annually twenty-five millions of quarters of corn. It is quite certain that, even on an average year, you must sow such a quantity of seed as will give you something more than the average; and in abundant years you will produce a great deal more. It follows of necessity, from the very nature of the product and the change in the seasons, that you can never rely with certainty on bringing to market twenty-five millions of quarters, and neither more nor less. If you want twenty-five millions of cotton stockings, you may order them, and machinery will supply you with neither more nor less. But if you want to have a certain fixed quantity yielded by the land you cannot make any arrangements which will insure such an object. If corn is cheaper abroad than in England, you must export your surplus produce at the price at which the corn of the surrounding countries brings in their own markets. Therefore, whatever you produce over a fixed quantity, will be sold at such a loss as must prove ruinous to the English grower, and must ultimately induce him to withdraw his land from such cultivation; and experience confirms the justness of this speculation. England was formerly an exporting country as to corn. But our dependence has been gradually increasing. It was great from 1820 to 1830, and it increased in the period from 1830 to 1840. It seems that notwithstanding all the improvements in agriculture, the progress of our population has been so great, in consequence of the discoveries in machinery and the immense trade which has of late grown up, that agricultural skill cannot overtake the advance we have made. Well, then, we are already dependent. The right hon. Baronet admits we are, but he says he prefers casual dependence to constant dependence. I answer that I prefer constant dependence to casual dependence. I prefer it partly from the reasons adduced to the House already by those more compe-

tent to form a judgment on the subject than I am, because I think it has a tendency to make countries mutually dependent, and because I am persuaded that when our supply is casual, it must be met, not by an export of manufactures, but by a drainage of the precious metals—thus producing a constantly recurring state of panic and distress which Mr. Huskisson predicted twenty years ago, with but too just a foresight. But the right hon. Baronet, on his own showing, nullifies his own theory. The right hon. Baronet says, “we shall generally be independent of foreign supply, but it is probable we shall have some bad years, and it may happen, that in those years countries in the same latitude will be in the same predicament. The latter may shut their ports against us, and we may be thus reduced to the last extremity, by relying on foreign aid.” Here is an admission, then, that in bad years we must be dependent on foreign countries, and being only casually dependent, we should then be at the mercy of those countries whence our supply is to come. By the limitation proposed, we should be dependent on those who might be suffering the same distress as ourselves, and who may have the additional motive for refusing to supply our wants of a national quarrel. But though it is generally true, that the harvests of this country, and of countries in the same latitude, may be bad in some particular year, it by no means follows, that the harvests at Illinois and Ohio should be equally bad. So that the right hon. Gentleman’s proposal amounts to this—“You must be occasionally dependent on such foreigners as will be subject to the same vicissitude of seasons, and may shut their ports against you, if a quarrel should arise; but you shall be interdicted from being dependent on those countries, which will most likely be able, when you are deficient, to supply you.” Can anything be more clear, than that next to independence, and, indeed, amounting in practical effect to the same thing, is a very wide dependence, a dependence on the whole world, on every state and every climate? There is the highest probability, that the crops will not fail every

where in the same year. There is a probability equally strong against our being in hostility with all the world. It seems to me, then, that the more unvarying is your demand, the greater is the prospect of your independence; for it is quite clear, that the right hon. Baronet does not suppose that his sliding-scale will give a constant supply of corn, from our own resources. I confess, I do think, and I have always thought, that the danger of political dependence following commercial dependence, was a danger which it is quite impossible to show has any real existence. Experience is so strong on this point, that clear as was the case made out by my noble Friend, the Member for London, the other night, he might have made it still stronger. So far as my investigation has gone—the right hon. Baronet will set me right if I am wrong—the greatest import of corn ever made up to that time in any one year, till of late, of which we have any account, was in the year 1810, and from countries under the direct influence of the continental system then established. In 1810, we imported 1,600,000 quarters of wheat. Of these, 800,000 quarters came from France, and the rest from countries then provinces of France. Now, observe, that was in the year 1810, in the very height of the continental system, when it was screwed up to the utmost pitch by Napoleon, who deposed his own brother because he did not act up to his principles, and held in his hands the crowns of almost every King in Europe. Now, is it likely that we shall be placed again in such a contention, with the whole of Europe united against us, under a chief of such extraordinary ability and energy as Napoleon, and who was distinguished above all by two things—his intense hatred of this country, and his resolution to attack her through her trade by commercial prohibitions? And yet, under such a Government, and in a year when it was stretched to its farthest limit, we imported into England, and from his own dominions, a greater quantity of corn than we had ever done previously. That circumstance—unless I hear some explanation which does away with its



effect—has, I own, greatly influenced me in becoming reconciled to that commercial dependence, which I think, in many respects, a great blessing to nations, and which I do not think, as I have already said, has any connection with political dependence. I say, Sir, that mutual commercial dependence is a great blessing, and I fully agree with all which was so eloquently said on this point by my noble Friend, the Member for Tiverton. I cannot but consider it as most consolatory, and one of those circumstances fraught with best hopes for mankind, when we see a vast and increasing population engaged, as their most lucrative employment, in turning a wilderness into corn-fields, and whose numbers double every twenty-three years. It is impossible to place a limit to the products which our skill and vast accumulation of capital will enable us to supply such a rapidly increasing community. We might supply the whole world with manufactures, and have almost a monopoly of the trade of the world. Whatever temporary distress we might feel, we should be cheered by the reflection, that other nations were raising abundant provisions for us on the banks of the Mississippi and the Vistula. On the contrary, in those lands where coal was not found, where there was no machinery to set up manufactures, the people would look to us for clothing, cutlery, and ten thousand other necessities and comforts to be supplied by our skill. But in steps the legislator and says, “You who ought to be a manufacturer for the world must turn ploughman, and you who are a ploughman must be turned against your will into a manufacturer; you thall not buy and sell—you shall not deal with one another. Artisans must starve in England, that the barren lands may yield an immediate rent to their owners, and the agriculturist in America, who is willing to spend his time, and employ his labour, levelling forests to supply you with food, is obliged to turn a manufacturer of bad cloth and bad knives, until experience has taught him to become your rival.” All this is brought about, that one particular class may be benefited at the expense of the others,

though we have been cautioned against entering upon this subject by the hon. and learned Member for Bradford. I cannot refrain from touching it, although I hope I shall do so in such a manner that no one can condemn the spirit in which I shall speak. It is not possible to shut our eyes to the remote political consequences of such a state of things. The people have borne their privations patiently—they have borne their disappointments patiently, for with regard to those little exhibitions of feeling to which allusion has been made, I think as little of them as I daresay the right hon. Baronet himself thinks. But it is our duty to look to the future; and I must say, that if there be to me any sign that is ominous—any sign which every friend of law, of property, and of order ought to contemplate with uneasiness, it is that one which I see so very generally hailed with acclamation by those Gentlemen who professed the strongest attachment to the principles of Conservative policy. I know of nothing that seems more alarming than the obstinacy and the enthusiasm with which some persons, to whom I can give no better name than that of incendiaries—persons who profess doctrines subversive of all order and all property, labour to prevent a settlement of the question of the Corn-laws. When I know that by the advice of some noted dealers in sedition, numbers of people called Chartists, have gone to break up meetings held for the purpose of petitioning for a repeal of the Corn-laws, I look upon it as a sign, not of immediate, but of serious and future danger. For what reason was it that those whom the Gentlemen opposite agreed with, in designating as incendiaries and sowers of sedition, were desirous of preventing an alteration in what they admitted to be abuse? Did that proceed from a love of the landed aristocracy, or of any of the interests connected with the aristocracy? They all knew, that these incendiaries hated the aristocracy—that no persons talked more bitterly against the aristocracy; and yet if a meeting were called in almost any of the great towns in this country to petition against the Corn-laws, those men would move

heaven and earth to cause the meeting to fail; and for what purpose? Evidently for this; they knew perfectly well, that however much the people might complain of the effects of the present partition of power and of Government—however much they might feel abuses merely political, there was very little danger, unless they had such a grievance as the Corn-law to work upon, they would never be able to raise the people against the established order of things. They knew, that the most formidable rebellions were the rebellions of the belly. I firmly believe, that it is not by chance, but by deliberation, and with a serious purpose, that those parties wish to have the Corn-laws remain part of our institutions, in order that some day or another they may be able to inflict on both the same death. I believe, that they wish this abuse to remain part of our laws, in order that some day or another—that day he prayed they might never see—this abuse and our laws might perish together. There is also another circumstance connected with the question to which I will refer. The hon. and learned Member for Bradford has warned us not to draw any parallel from France and the French Revolution. The hon. and learned Member will excuse me, if I allude to the subject in a manner of which he cannot complain. If we observe the history of the French Revolution, the first thing that will strike us is, that that revolution was not brought about by the lower classes. It was not a mere movement of the Faubourg St. Antoine and the labouring classes, and had they not had, in the first instance, a part of the higher and aristocratic classes at their head, they could have done nothing. But the feuds engendered by all sorts of vexatious distinctions between the landed aristocracy on the one hand, and the mercantile, professional, and literary classes on the other, were the causes which enabled the end of the wedge to enter. While a whole empire like this is united, I cannot fear the result of any insurrection; but I feel uneasy when I see topics of anarchy, which, in other countries and ages, have been confined to the lowest dis-



turbers, now broached by men, of twenty thousand a-year, it is impossible for me not to fear, when I hear the manufacturers crying out, that the landlords are grinding the faces of the poor; and, on the other hand, men of great landed property denouncing the manufacturers as they have been denounced in that House, even since the present debates commenced. I will venture to say, that no expression can be more unjustifiably used by a manufacturer against the landholders, than hon. Members have heard in the course of the present discussion, coming from the mouth of the hon. Member for Knaresborough, against the manufacturing body. [*"No, no !"*] I am quite willing that the truth of this assertion shall be left to the judgment of all those who heard and read that attack. Sir, we have now arrived at a serious stage in the interests of this country. I do not apprehend the dangerous issue which I fear will ultimately arrive to-morrow, or next year, or perhaps five years hence; but I say, that it is impossible that this country can safely follow up a system which has the effect of arousing and provoking the violent passions of multitudes, while, at the same time, it promotes division, rivalry, and animosity, amongst the two great classes of proprietors in the country. Therefore, it is of the greatest importance that this question should be satisfactorily settled. Yet, that which is proposed, is not even contended to be satisfactory on the other side. The right hon. Baronet, the Secretary for the Home Department, abjured all notions of finality. The hon. Gentleman now laid it down as a wise system, that we should legislate gradually, and in bit by bit reforms. The present measure I would take as an instalment; but if it be an instalment, it is little more than a farthing in the pound. Is it to be understood, that we are to have a bill of this kind introduced as often as the Members of this House are summoned to assemble? Are we to be doomed every year, or every three years, to renew discussions on the Corn laws? Is it to be expected, that the first Minister of the Crown will again settle, and again unfix this great ques-

tion? The more I think on the right hon. Baronet's plan, the less I am able to understand why it was introduced. The right hon. Gentleman did not introduce it to please those who cry out for a change in the Corn-laws; it is clear that they were not thought of? It is equally clear, that he could not have introduced it to please his own supporters, for though they would vote for him, and carry his bill through, nine-tenths of them would vote for him with much greater pleasure, if he refused all change. ["No, no!"] On this point I must again refer to the judgment of those who observed the silence of Gentlemen opposite, and something very different from silence elsewhere. The right hon. Baronet himself avowed that he knew he could not please both parties, and he complained of the peculiarities and difficulties of his position. Now I cannot understand that an enlightened statesman should risk the displeasure of each party, while supported by the consciousness that he is introducing a measure that would relieve and prevent the distresses of the country. But does the right hon. Baronet say this of his own measure? He told us, on the contrary, that he could hold out no hope of relief to the distress that prevailed. Does he then bring in his bill to settle the question? Why, finality is disdained on his own bench. Why, then, did the right hon. Baronet introduce his measure? To prevent frauds in taking the averages, of the existence of which frauds he was not sure, and which he acknowledged must have been much exaggerated. He also introduced it to fix the price of wheat at between 54s. and 58s. a quarter. But the right hon. Baronet gave no reason for fixing upon that price more than another; all his arguments upon that point were extremely vague. To be sure it is a difficult thing for a statesman to say at what price any article ought to sell; but that is the reason why all wise statesmen refuse to legislate on the subject. That is the reason why all wise statesmen leave the price to be settled between the buyer and the seller. Taking the right hon. Baronet's plan at his own valuation—taking it at his

own statement—it is a measure which settles nothing, it is a measure which pleases nobody ; it is a measure which nobody asked for, and which nobody thanks him for ; it is a measure which will not extend trade ; it is a measure which will not relieve distress, and fixes the supply of provisions at a price of which the right hon. Baronet does not profess to know any thing, and for which he can give no reason. On principle then I oppose the measure of the right hon. Baronet, and on principle I approve of that of the hon. Member for Wolverhampton. In the first place I do not argue, nor do I understand the hon. Member for Wolverhampton to argue, that a duty upon imported corn, imposed *bonâ fide* for purposes of revenue, is wholly indefensible. At all events, I do not wish to be understood as expressing a decided opinion on the point. With reference to the principle of protection to which the hon. Member for Wolverhampton is opposed, there are, as my noble Friend has stated, two grounds for granting it, one of which is that which justifies it on the ground of special burdens. It has not yet been proved, indeed, to my satisfaction, that the price of corn, grown by the English farmer, is increased by burdens lying peculiarly upon him ; but I think that if it can be proved that the price is so enhanced, the English farmer is, to the proved extent, entitled to protection ; reserving to myself, at the same time, the right of maintaining that, in such a case, it would be much more expedient to effect a new distribution of taxes than to retain the present system. With respect to another ground which is urged for not, at present, removing all protection from agriculture, I must say it seems to me to be unanswerable. I am not disposed to take away, at once, all protection from the English farmer. I think that time ought to be allowed to enable him to transfer his capital from one branch of industry to another, and therefore I consider the word “ now ” in the hon. Member for Wolverhampton’s amendment objectionable. Although, however, I differ from the hon. Member’s resolution, I do not see that I mate



rially differ from him in principle. The hon. Member has admitted that it would be folly and bigotry on the part of the people to insist on the immediate repeal of the Corn-law, if there was any prospect that, within a certain reasonable distance of time, its repeal would be effected, with proper precautions. I clearly understand the hon. Member to move his resolution, in a fit of despair, as it were: and that, knowing he can get nothing, he is resolved to ask for a good deal more than he wants. I certainly understand the hon. Member to say that if he saw any chance of the question being brought to a settlement on what he considered sound principles, the word "now" in his resolution should not stand in the way of such a consummation. Whilst, however, that word remains in the amendment, I cannot conscientiously concur in it. With respect to a fixed duty, I consider it in no other light than as a mitigation or compromise, and as such I am ready to support it. I would support any measure which would afford relief to the people; but I never will consider any measure to be a final settlement of the question which leaves a distinct protective duty greater than is necessary to countervail the burdens which shall be proved to fall peculiarly upon agriculture. I give my support to a fixed duty as a measure which is no doubt imperfect, but which is a decided improvement upon the present system. I do not mean to vote for the amendment, and my principal reason in rising upon this occasion was to declare my opinions, lest my motives should be misunderstood. My objection to the amendment applies only to the word "now," and on these grounds which I thought it right to explain, I shall decline giving my vote on the hon. Member's proposition.

## THE COPYRIGHT BILL.\*

APRIL 6, 1842.

HE was seldom fortunate enough to agree with his noble Friend [Lord Mahon], and the present was, he believed, the first occasion on which a speech made in one Parliament had been answered in detail in another. It would not be difficult for him to go into the topics adverted to by his noble Friend, and to set out anew the arguments which he had advanced last year, and to fortify them, if necessary, by additional facts and illustrations. He thought it, however, unnecessary to wander among topics foreign to the question then before the House. But if the speech of his noble Friend was directed against that which he had delivered last year, it was certain, that the measure of the noble Lord was more in conformity with the sentiments then expressed by him than the measure of which he had spoken. He had objected to a term of sixty years, and the noble Lord had cut down the proposed duration of copyright to twenty-five years. He had set forth the danger of the works of an author being suppressed by the operation of the plan then proposed, and now his noble Friend had come down prepared with a clause to meet that difficulty. If, therefore, he were to apply himself to answering the speeches made in defence of the measure of Mr. Sergeant Talfourd last year, he should be arguing against a principle not now before the House. He therefore proposed to confine himself strictly to the matter then in hand. He had never objected to an enlargement of the term of copyright to

men of letters. When Mr. Sergeant Talfourd brought in his bill, he had not opposed it. It was his intention, on the contrary, to vote for the second reading, but the learned Sergeant concluded his speech by expressing his desire, that no one would vote for the measure who might be afterwards disposed to reduce the large term of sixty years which he proposed. The learned Sergeant had said,—

“Don’t let me have support in this stage, if it be hereafter meant to reduce the term I propose to fifteen years. I despise such support; I don’t wish for it.”

The learned Sergeant having expressed himself to that effect it became impossible for him to vote for the second reading. But they had now entered upon the discussion of this question in a very different spirit. He was not unwilling to extend, considerably, the protection afforded to authors. On the contrary, he was disposed to extend it more than his noble Friend, but at the same time he must express the opinion, that the mode by which his noble Friend proposed to effect their common object was bad, and that by which he sought to reach it was good. The present state of the law was this, copyright for life, or for twenty-eight years. His noble Friend proposed copyright for life, with the addition of twenty-five years. Now, what he proposed was this, copyright for life, or for forty-two years, whichever shall be the longer. He proposed to add a certain term of fourteen years more to the present term of twenty-eight years. Now, he thought, with all submission, he should be able to show to demonstration, that this plan was more just and reasonable, a greater boon to men of letters, and much less inconvenient to the public than the proposal of his noble Friend. He presumed it would be admitted, that with respect to all benefits intended to be conferred for the advancement and encouragement of works of literature, or those of an analogous kind, it was of the greatest importance that such



benefits should not be capriciously or irregularly bestowed. It was of the highest importance that they should, as nearly as possible, be equally distributed. It was of the greatest importance, that those who best deserved the encouragement to be given should gain the largest share, and enjoy the highest degree, and that the smallest share should fall to the lot of those who least deserved it. Upon these principles, which he conceived were perfectly clear, he believed he could succeed in showing that what he proposed was preferable to the measure of the noble Lord. He admitted, that perfect equality could not be gained. He agreed, for reasons so obvious, that it was quite unnecessary to enter into a detail of them, that there must be a term for life. But life being, of course, liable to casualties, and its duration being uncertain, he contended, that the evil would be exaggerated by the means proposed by the noble Lord. Take the instance of two contemporary authors, both ladies, and distinguished in the lighter arts of literature, Madame d'Arblay and Miss Austen. The most beautiful of the novels of Miss Austen would have only twenty-eight years of copyright, for the authoress died shortly after the composition, while the copyright of Madame D'Arblay's *Evelina* would last sixty-two years. Observe the contrast—twenty-eight years for one work, and sixty-two years for the other, each being of the same class of literature. He was not taking upon himself to determine upon the merits of the one work or of the other, but he simply adduced the instance to show the unequal working of his noble Friend's proposal upon two works of the same kind. Observe what his noble Friend would do. His noble Friend would add twenty-five years to the sixty-two years in the one case, and in the other leave the twenty-eight years where they were; thus making a difference as between twenty-eight and eighty-seven. He would raise the short term to forty-two years, and while his noble Friend extended the difference between the two terms to sixty years, he diminished it to eighteen or twenty years. Indeed,

if gentlemen would go through the literary history of the country and, taking the principles of his noble Friend and of himself, apply them to the works of authors for two centuries and a half, they would hardly find a case in which the application of his noble Friend's proposal could be wished for in preference to that which he had the honour to submit as an amendment. Milton died in 1674. Now, all Milton's copyrights would, by the proposition of his noble Friend, expire in 1699. *Comus* was written in 1634. To *Comus*, then, his noble Friend gave sixty-five years of copyright, to *Paradise Lost* thirty-one years, and to *Paradise Regained* and *Samson Agonistes* twenty-eight years. Compare his proposition with that of his noble Friend, and he would venture to say, that if the House were legislating only in the case of the works of Milton, it would determine that the fairer and more legitimate scheme—the scheme more gratifying to its own mind—more consistent with its own sense of justice to the author—and in every way more beneficial to the public, would be, that all the works of that great writer should have a copyright of forty-two years, rather than that the worst of them should be protected for a very long term, and the best of them left with scarcely any protection at all. Take another instance—take Dryden, the next great name in English poetry. His noble Friend's proposition would give a magnificent protection to the inferior poetry upon Oliver Cromwell, and to the *Wild Gallant*, and other bad plays, whilst to the *Fables* and to the *Ode in Honour of St. Cecilia's Day*, which were published towards the close of the author's life, and which classed amongst the most exquisite productions of his pen, the protection would be comparatively slight and insignificant. The verses which Dryden wrote upon Oliver Cromwell were published in 1658; the copyright proposed by his noble Friend would extend to 1726, a term of sixty-eight years; but to Dryden's last volume, containing the *Fables* and the *Ode in Honour of St. Cecilia's Day*, the copyright, according to his noble Friend's plan, would

be cut down to twenty-eight years. So that the copyright of Dryden's worst works would continue for sixty-eight years, whilst the copyright of the *Fables* and of the *Ode in Honour of St Cecilia's Day*, the last great work of his life, would continue only for twenty-eight years. Then take Pope—it really mattered very little what great author one referred to, and the multiplication of instances after all might appear to be wholly unnecessary—but take Pope. His noble Friend's proposition would give to Pope's *Pastorals*, which were written when the author was only sixteen years of age, and which were remarkable as the literary production of a mere youth, a copyright of sixty years; but when he came to the later and more able productions of the same writer, to *The Dunciad*, for example, in its finished state, his noble Friend would give only a protection of thirty years. Now, according to the plan which he proposed, these inequalities, so incongruous in themselves, and so utterly inconsistent with the relative value of the works to be protected, would be entirely overcome, because to every one of the works of Milton, Dryden, and Pope, would be given a uniform protection of forty-two years. Coming to writers of a later period, take the works of Johnson. Johnson's first work was a translation of a volume of *Travels in Abyssinia*, published in 1735; and a book so poor, that Johnson himself did not like to hear it mentioned in his later years. When Boswell told him that he had obtained a copy of it, "take no notice of it," said he, "'tis a thing to be forgotten." To this work his noble Friend would give a protection for the enormous period of seventy-five years, whilst to the *Lives of the Poets*, he would give only a protection of thirty-five years, and to *The Tour to the Hebrides*, a much shorter protection. So that in the instance of Johnson, as in the instances of the other great writers he had mentioned, the best works would receive only a comparatively slight protection, whilst the earlier and very inferior productions would receive an amount of protection infinitely beyond their relative merit or value. There



was another instance that he could not pass by—the instance of Henry Fielding, whose first works no human being would ever think of reading, nor deem it worth while to revert to, or perhaps ever remember or know anything of, except for the excellence of his subsequent great works, *Tom Jones* and *Amelia*. Who would ever think of classing *The Temple Beau*, and a host of earlier dramatic pieces, possessing no worth, and evincing no genius, with the incomparable *Tom Jones*? Yet to the first of these his noble Friend would give a copyright of fifty-two or fifty-three years, whilst to the last he would afford only a protection of thirty years. Take any or all of the most eminent writers in our language, and there was not one of them to whose works his noble Friend's proposition would not apply in the same objectionable manner. The worst works would be protected for a very long term—the best works only for a comparatively short term. But upon the principle which he proposed, it would be found, that all the works of the same writer would be protected, almost without exception, for a regular, fixed, and definite term of forty-two years. Take the instance of Burke; his first little tract on the *Vindication of Natural Society*, in all probability, would not be remembered at this day, but for the subsequent eminence of the works of his maturer age. Yet his noble Friend (Viscount Mahon) would give to this earlier work a copyright of sixty years, whilst to the latter and greater productions of the same great mind, such as the work on *The French Revolution*, and *The Regicide Peace*, he would give only a protection of thirty years. This appeared to him to be the ruling vice of his noble Friend's scheme. Nobody would pretend to doubt that the later works of all the great writers he had named were infinitely the more valuable; infinitely more illustrative of the extraordinary powers of mind possessed by the respective authors; infinitely the more worthy of the protection to be afforded by the extension of copyright. He had shown the sort of protection that would be given by his noble Friend's plan. There was this striking incon-

sistency in it; for Madame d'Arblay's *Evelina*, it would give a copyright of eighty-seven years, whilst to Milton's *Paradise Lost*, it would give a copyright of only twenty-eight years. He could conceive only one justification for this enormous inequality, and that would be, that the works to which the greater protection was given were better than the works to which the lesser protection was given; but it would be seen from what he had briefly stated, that under his noble Friend's plan the crudest and least finished books of all authors would receive the greater protection, and the ablest and best works the lesser protection. This, as he had said, was the ruling vice of the plan; and it was a vice that applied not only to the literature of England, but was equally applicable to the literature of all ages and all countries. There was no copyright with the Greeks and Romans; but go back to the most brilliant days of Greece and Rome, and it would be found, that what is true as regarded the earlier and the later works of the great writers of our own age, was equally true as regarded the youthful and the mature productions of the great men of antiquity. What comparison could be drawn between the earlier and the later works of Sophocles? Who would mention in the same breath, or hardly in the same day, the speech *against his Guardians*, and the speech *upon the Crown* of Demosthenes? Yet, under such a plan as that now proposed, the inferior of these works would receive a protection twice as long as the works which gave to the authors their immortality. Go to Rome; the same remarks applied to the works of Cicero. Take a later period. Go to Spain, go to France; the same remark applied to the writings of Cervantes and Racine. Go to Germany; his noble Friend would give to Schiller's *Robbers* a longer protection than to *Wallenstein*, and to Goethe's *Sorrows of Werter*, than to *Wilhelm Meister*. He begged pardon, if this reference to the authors of other countries, and of other ages, fatigued the House; but hon Gentlemen must feel that upon this subject literary history was th

same thing as national and constitutional history upon questions of general policy. The inequality in the productions of authors, to which he had briefly endeavoured to direct the attention of the House, was not a matter of accident—not the result of mere chance—it was one of the inevitable consequences of the structure of the human mind, which did not receive all its impressions at once, but grew in strength and wisdom as it advanced in experience, and extended its range of observation. If he and his noble Friend were to sit down together, and draw up a list of the most eminent writers to whose works his noble Friend's plan would give a protection of sixty years, and another list of the most eminent writers, whose works, under that plan, would receive a protection of less than forty years, it would be found, that the works coming within the more limited range of years were infinitely more numerous, and infinitely better than the number that would be included within the more extended range. Under his noble Friend's plan, the longest period of protection would be given to the works written in the earlier stage of the author's life. So that if a writer published a work hastily, at sixteen or eighteen years of age, as Pope published his *Pastorals*, or rather wrote his *Pastorals*, for he did not publish them till he was twenty-one, that early, crude, and imperfect work would receive probably double the protection afforded to the later and abler works upon which, perhaps, the whole of his reputation might rest. It was perfectly true, that young men often displayed extraordinary powers of genius; but it was not the fact, as far as experience yet went, that their first works were their best works. This was true even as regarded works of imagination. No great work of imagination had been produced under the age of thirty or thirty-five years; and the instances were few in which any had been produced under the age of forty. Whatever powers of genius a writer might be possessed of, the saying of Marmontel was yet true, that "a man cannot paint portraits till he has seen faces." Whatever the



vivacity or brilliancy of fancy exhibited in the writing of youth, I remained for the nicer and more discriminating observation of maturity to give that sterling value to the productions of the mind an which secured immortality to the author. The fact, therefore, was, that in matters of imagination, the class of books which his noble Friend's proposition would most favour, were likely to be the worst, whilst those which he particularly discountenanced were likely to be the best; for whilst his noble Friend gave this enormous addition to the copyright of works, published in the earlier years of the author's life, he did nothing whatever for such works as might be published two or three years before the author's death; because by the existing law, there was a copyright of twenty-eight years from the time of the publication, and under his noble Friend's plan, only a copyright of twenty-five years from the time of the author's death. So that in point of fact, as related to the work of an author published in the last year of his life, the protection given by his noble Friend would be less than the protection afforded by the present law; and for any work published during the last seventeen years of an author's life, the protection under his noble Friend's system would not be so long as under the plan which he proposed. Now he ventured to say, that no man acquainted with literary history would deny, that taking the writings of authors generally, the best and most valuable of their works had been produced within the last seventeen years of their lives. He had mentioned shortly and rapidly the names of but a few of the English works published within the last 250 years, to which his proposition would give a longer term of copyright than the proposition of his noble Friend. If the House should find included in that list, with scarcely an exception, everything that was greatest and most conducive to the glory of our national literature in the eyes of the world, then he did not see how it could hesitate about preferring his plan to that of his noble Friend. He did not propose to give to the earlier and cruder works of authors

the same extent of copyright as his noble Friend would give them; but he proposed a longer term of copyright for their maturer and better works. He did not propose to give to *Love's Labour Lost* the same amount of protection as to *The Tempest*, to *Lear*, *Othello*, and *Macbeth*, but to Spencer's *Fuery Queen*, to Bacon's *Novum Organon* and *De Augmentis*, to Lord Clarendon's *History*, to Milton's *Paradise Lost*, to Locke's *Essay on the Human Understanding*, to Dryden's *Fables*, to the whole of Addison's *Spectator*, *Tatler*, and *Guardian*, to Cowper's *Task*, to Hume's *History*, to Gibbon's *History*, to Smith's *Wealth of Nations*, to all the poems of Burns, all the poems of Byron, and, with the single exception of *Waverley*, to all the novels of Sir Walter Scott: to the whole of these specimens of our literature—which he defied his noble Friend to match—to the whole of these, his proposition would give a longer term of copyright than the proposition set forth in the bill now before the House. To many of them, and amongst them the very greatest, such as the *Fuery Queen* and *Paradise Lost*, his proposition, as compared with that of his noble Friend, would give an extension of from ten to fourteen years. He thought therefore that he had shown this:—first, that his noble Friend had proposed to distribute his protection very unequally, whilst he proposed to distribute it equally; and, secondly, that his noble Friend's inequality was an inequality on the wrong side, giving the greater protection to the worst instead of the best class of books. Having established that point, he did not see how his (Mr. Macaulay's) amendment was to be resisted. He thought that there were other advantages attaching to the proposition which he ventured to offer to the House, which gave it a decided superiority over that of his noble Friend. He conceived that upon all the principles upon which patronage ought to be given to literature his was the better proposition of the two. He should therefore move in the third clause of the bill now before the House, to leave out the words “twenty-five years;” and in a subsequent part of the same

clause to substitute for "twenty-eight years," the words "forty-two years." If the House adopted these amendments he thought it would confer a great boon upon literature in the most unexceptionable manner, and with the smallest possible inconvenience to the public.



## INCOME TAX.\*

APRIL 11, 1842.

SINCE it had been decided, upon a full consideration, that constitutional right and public convenience were to yield to the mere usage of 150 years, he, in performance of the promise he had made, and in performance of the duty he owed to his constituents, should lay before the House the substance of the petition which they had placed in his hands, and he trusted that, before long, he should be able to perform that duty in a much more regular manner; for he could not believe in the long continuance of an abuse which for the time had been supported by a majority of a single vote, without the shadow of a single reason. He should state, as concisely as if he were presenting a petition, that he had been charged with a petition from the Lord Provost, the magistrates, and the town council of the city of Edinburgh, with the statement which, in some manner or other, consistently with its rules, he was to convey to the House, that the proposed tax upon all kinds of income was calculated to cause the most palpable injustice, would operate most unfairly and most unequally, would open the door to the greatest fraud, and would render necessary the application of machinery of the most inquisitorial nature; and he had to inform the house that other resolutions had been placed in his hands, from the Chamber of Commerce of Edinburgh, strongly opposed to the proposed tax, which he was also requested to communicate to the House in some mode according with its regulations. His own opinion upon this

\* Hansard, 3d Series, vol. lxii. p. 255-266.

subject agreed with that of his constituents, and it had not been shaken by the speech, to which he had paid the utmost attention, delivered by the right hon. Baronet at the close of the last sitting of that House. The real questions which, as he thought, they had to consider were, whether this were not a tax that ought to be imposed only in the greatest extremity, and whether the circumstances of the country were such as to place it at present in this very great extremity. His answer to these questions was this, that an Income-tax was a tax which nothing but the last extremity could vindicate, and that this last extremity did not exist. With regard to the first part of the proposition the right hon. Baronet had not said one word. He had not said one word intended to show that gross inequality would not exist in the collection of this tax, and not a word to show that this was not a most frightful grievance. Instead of proving that the inequality was not the most unjust part of the tax, the right hon. Gentleman had contented himself with showing that this inequality and this injustice were essential parts of every income-tax. When hon. Gentlemen on his side of the House were contending that a property-tax and an Income-tax were inseparable—when they proved that equal injustice must accompany both—as often as they exposed this injustice, so often did hon. Gentlemen opposite receive that declaration with applause. He believed that it was next to impossible to have a property-tax without an Income-tax, and he believed it was a tax which was one of the most unjustifiable that could be imposed by Parliament. He allowed that necessity might justify the adoption of an Income-tax, just as necessity in the time of war justified the impressment of men for the navy—just as, in time of war, it was justifiable to burn down a town and sacrifice, without compensation, the property of the inhabitants, because, under such circumstances, the safety of the State was the supreme law, and over-rode every other, but the inequality of the tax was so gross, it was so distinctly declared by hon.

Gentlemen on the other side of the House that this inequality was such an essential part of the imposition, the evil was so great, that only in the most extreme necessity ought the House of Commons to lend itself to the imposition of such a burden. If in substance the tax were unjust, the mode of collection would not be less oppressive. The right hon. Gentleman opposite leant to the opinion of the hon. and learned Gentleman the Member for Bath—whom he did not see then in his place—when he said, “Why, if you are honest, are you afraid to state openly the amount of your property? Why is there this singular squeamishness? Poverty is no reproach, if it be not the result of a man’s folly or a man’s crime. I have no objection to declare to the world the amount of my income. It is a shame to say that professional income is not to be taxed in the same manner as other men’s incomes.” No doubt the hon. and learned gentleman said what he felt: he honoured the sentiment: he should be sorry not to participate in it. It might be easy for a man of a philosophical turn of mind—it might be easy for the hon. and learned Gentleman, who was a member of the Legislature, who had received marks of the public confidence from large bodies of his fellow-countrymen; he might be indifferent whether he declared his fortune and made his return. It was his turn of mind—it was a desirable turn of mind, not to feel any aggrandisement if he had a fortune of 4,000*l.* a-year, and not to feel any degradation at having only 400*l.* But was that the general state of feeling among the people of this country for whom they were about to legislate. Was it a fact that the feelings of the people of this country were not against avowing their poverty? Let them look at what was taking place in the world. Was not half the life of many men a war to avoid the appearance of poverty? Were not the efforts constant to appear a little above the true state? If this were the case, it was to no purpose to say that a better and a more philosophical spirit would raise men above those false notions, and



elevate their feelings. The people of this country had this feeling—whether the feeling were reasonable or not, it was not necessary to inquire. When he was in India, he was aware that there was a feeling of degradation in a woman if she should appear with her face unveiled. He knew that the feeling was unreasonable; he did not share in it, but did they not conceive that in legislating for such a people this was a feeling to which they ought to defer, and that they ought not to treat such prejudices with contempt? He would appeal against the authority of the right hon. Baronet, and against the authority of the hon. and learned member for Bath upon this subject, to the authority of one of the greatest moral philosophers and the greatest political economist that this country ever produced, Adam Smith, who declared that a tax upon income can be raised only by means of an annual investigation of income, which was more intolerable than any tax whatever. Here the tax was in its nature unjust, and it was confessed that the mode of its collection must necessarily be most vexatious. The first question then was answered. It was a tax which ought to be resorted to only in the last extremity. Was there this extremity at the present moment? He denied it. He conceived that the right hon. Baronet, in his laboured but ineffective address when he first brought forward this tax, had not made out any such necessity. With regard to the war in Affghanistan, although the right hon. Gentleman had made a dexterous rhetorical use of the topic, what he had said appeared to him in the light of mere sophistry.

“Did the people,” said the right hon. Gentleman, “ever know of such a disaster—was there ever such a defeat as this?”

And then with great feeling, which he had no doubt was most sincere, the right hon. Gentleman added,

“A whole army has perished; only one, or two, or three persons have

escaped from this great army to bear the news of the destruction, and yet you talk of opposing this tax."

All those who knew him knew that he could speak of this destruction in no other way than as an event most painfully disastrous. There was not one feeling entertained by hon. Gentlemen on the opposite side of the House in which he did not participate. If he did not now consider that expedition with a view to the defence of the policy by which it was dictated, it was because it was not then the proper time for such a consideration; he himself bore none of the responsibility attaching to it; he was not in the country when that expedition was sent forth; he was not in office till the expedition was over—till Shah Soojah was already placed on the throne of the Affghans. Every one who read the story of that expedition—every foreigner actuated by no hostile feelings—must feel deeply touched with its sad fate. He need not say with what feelings he must read it—he who had been on terms of the most friendly intercourse with many of those honourable and most brave men, perfidiously butchered, and with the amiable and accomplished women, now at the mercy of the murderers of their husbands. No, it was a result disastrous when they talked of it in relation to the officers and the army, disastrous to the sufferers, disastrous when they thought of the feelings of the brave men now dead, utterly disastrous when they reflected on the feelings of some now living; but the House had now to deal with it as a financial question only. To introduce it into this debate for the purpose of aggravating the existing difficulties, that was what he said was making an unfair, sophistical, and rhetorical use of this great calamity. The question they had now to discuss was, only as to how this calamity bore upon the Income-tax, as it affected the pounds, shillings, and pence. Let him ask whether the right hon. Gentleman contemplated this calamity when he brought in the Income-tax? Was not his use of it an afterthought? Yet

this very event was now put in the fore-front in every discussion that took place upon the Income-tax, although, when the tax was proposed, this disastrous result was never thought of. Had the right hon. Gentleman advanced one-fourth of his Ways and Means on this account? If not, how could he call upon them for this, because his finances were greatly impaired by a disaster such as was never heard of in the history of this country? Although the House had not as yet before it the supplementary estimates, he was not without the means, as a late Secretary of War, of considering the effect which these disasters would have upon the estimate. He did not say that he could produce a correct estimate of the additional charge; it had been the ordinary course that the estimates should be brought in and voted before the Ways and Means were proposed. They had not the estimates before them, but nothing could be more futile than to institute any comparison between the charges for this war and the charges for the cheapest of the European wars, even the last. In his opinion, the Government were taking a wise and spirited course; they were doing what they ought to do. He knew nothing except what he learnt from the public prints; they were taking vigorous measures for conveying British troops to our Indian possessions, and he would give to those measures his most cordial support, as much as if he still sat on the other side of the House. No sum which was *bonâ fide* required in reference to those measures should be refused by him, nor should any burden necessary to meet those sums meet with one word of opposition. He did not anticipate that, if due prudence and vigour were shown, the damage sustained might not be repaired; but still great Mahomedan success in our Indian possessions could not fail to fall like a spark into the midst of tow. It must be felt throughout all Islam, from the states of Morocco to the coasts of Coromandel. He had no doubt that the firmness and prudence which were so necessary and so much required would be shown,



because they had a government in which was the Duke of Wellington, and which could obtain the advice of the most able military men, by whose aid every step would be taken in the most prudent and most vigorous manner. But hon. Gentlemen must consider that the rule invariably acted upon when troops were sent on an expedition to India, was to charge them on the Indian revenue. [An hon. *Member*: "What is the state of that revenue?"] Suppose the right hon. Gentleman should choose to say that he would charge these troops on British resources, what would be the charge for these reinforcements to India? What was the force which the right hon. Gentleman meant to send to India? They must wait for a reply to this question till they received the supplementary estimates; but 10,000 or 12,000 troops would be enough to meet the danger. He thought that a regiment of 1,100 men serving in India cost annually 32,000*l.*; he believed that the whole charge, therefore, for such a force as the right hon. Gentleman contemplated would be 400,000*l.* a year. He did not say that this charge should not be met, but it was not enough to take for such a charge the imposition of an Income-tax. In the year 1798 the Income-tax was first imposed; England stood alone, France had crossed the Rhine and had passed the Alps, Austria stood trembling for her very existence, Ireland was in a state of revolt, the 3 per cents. were at 50; then the resolution for the Income-tax was taken. It was doubled when the whole continent of Europe lay prostrate at the feet of France, and England was loaded with expenses to which the present bore no comparison. Three hundred thousand soldiers in the army, and a hundred thousand men in our navy. The estimates for the navy were 19,000,000*l.*—more than the whole of our present army and navy combined; the estimates for the army were 19,000,000*l.* additional. When the right hon. Gentleman said that the one disaster in India was greater than those which befell us in those years, when he said that it was greater than the Walcheren

expedition, he was prepared to meet the right. hon. Gentleman on that ground—but in a financial speech the right hon. Gentleman appeared not to have made out his case—the right hon. Gentleman appeared to be applying to a serious reverse, to a painful calamity, but which was no serious blow to the financial resources; the one remedy, the employment of which only the greatest distemper in the State could vindicate. He must say, also, that the proposition of the right hon. Gentleman was not calculated to inspire foreign countries with a just idea of the spirit and resources of England. He did not say that the calamity was not reparable, but let them see the manner in which the right hon. Gentleman's proposition—the speech to which he alluded was the right hon. Gentleman's first speech—and let them see how the right hon. Gentleman's statements were received on the continent. When he opened a French paper, he found only the largest praise of the right hon. Baronet, and of the greatness and firmness of his proposition. "It is a sign," say they, "that the English aristocracy, which has long been the envy and dread of Europe, is fast falling into its decline—a tax the most odious that could be imposed in war had been renewed in the time of peace." And they praised the minister who would consent to so bold a measure, which they looked upon as an evidence, if not of the destruction at least of the decline, of this country. Were those the terms in which an English Minister would like to be spoken of? Were those the measures of which an English Minister would like to boast?—when it was a demonstrable fact that England was better capable of fighting for her own defence, and of maintaining a great war, than she ever was in the whole course of her existence as a nation. In contemplating the step about to be taken, he could not much wonder that politicians abroad who saw the odiousness of this tax—who knew that it had never been laid on before, except in the extreme emergency of the State—who knew that it was a tax which, as soon as peace returned, was the first to

be repealed, but which they now saw us returning to—they being aware of the nature of our disasters in Affghanistan, should form an erroneous opinion with regard to the degree to which the powers and resources of this country are affected. The right hon. Baronet averred that he had said nothing so alarming as that which he had ascribed to the right hon. Baronet. He had, however, repeated what he believed to be an important truth—what he believed to be a truth which it was important to the right hon. Baronet and to the House should be repeated and made known. He could not altogether acquit the right hon. Baronet of having used the Affghan disaster in this debate, which had been altogether unforeseen, by taking hold of the feelings which were naturally excited by the extent of our military calamity, and turning that misfortune round with the skilfulness of a practised debater, in order to make it tell upon the financial question before the House. He would now say a few words upon another topic—the state of the Indian finances. The right hon. Baronet said that there was a deficit there as well as at home, and, said the right hon. Baronet:—

“It may become a matter of most serious consideration, whether England should not step in, in some manner, to lend some sort of assistance, either by credit or otherwise, for the purpose of supporting the credit of the Government in India.”

That was a grave and important question; and he would not say, that the view of the right hon. Baronet might not be very correct, and entitled hereafter to consideration; but that was no argument for the Income-tax, at this moment; for, surely, it was a good principle, that before they voted money, they should know precisely what the scheme was to the maintenance of which it was to be applied. Before the right hon. Baronet came to the House for money in aid of the Indian finances, surely he should inform them what he meant to do with it—when and where he meant to



apply it. Therefore, he altogether put that matter out of sight in the consideration of this question, as having no concern whatever with the vote which they were called upon to grant. He believed that he was right in saying, that since the war, exclusive of the Income-tax, 22,000,000*l.* of taxes had been taken off, and he thought that it might be taken for granted, that even a greater sum than 22,000,000*l.* would have been derived from those sources of taxation, if the same taxes had still been in existence. But that tax which had been the last to be imposed—the first to be repealed, was that to which the right hon. Baronet first had recourse for the purpose of relieving him from his difficulties. He believed, that the right hon. Baronet had other means of relief—he might have applied to sugar, an article upon which the late Government had rested considerable reliance. And upon this point, he must say, that he thought that the memory of the right hon. Baronet had played him false. The right hon. Baronet had said on Friday, unless he had misunderstood what had fallen from him, and he could scarcely have done so, that he (Sir R. Peel) had never intended to say, that the sugar scheme of the late Government would not have increased the revenue of the country—that he never dreamt of saying, that these were not taxes a reduction of which would have produced an increased revenue. His memory, he owned, had led him to a different belief, and he had since referred to the printed report of the speech of the right hon. Baronet, and that certainly confirmed him in his impression, and he believed, that he might appeal to hon. Gentlemen near him, whether the report was not a correct one. The right hon. Baronet was represented to have said :—

“There is another source of revenue, without adopting the process of exhaustion, and which was brought forward by the late Government, to which I find it my duty to advert. Shall I hope for increased revenue from diminished taxation? Yes, but before I apply myself to this subject, let me remind you of the extent of your difficulties. If it be proved

that these difficulties are only occasional and casual, no man can have greater confidence in the soundness of the principle of a reduction of taxation; but having given the subject my fullest and fairest consideration, I think it would be a mere delusion, under present circumstances, to hope for a supply of our deficiencies from diminished taxation. As I said before, I have the firmest belief that the adoption of any such plan as that proposed by the late Government, or the adoption of any other plan for raising the necessary revenue of the country through diminished taxation, will not afford any immediate relief, or any resource on which we can count for the supply of the deficiency of the revenue. I have looked with considerable attention to the effect produced by the remission of taxes on articles of great consumption. I find, in some cases, that elasticity which gives you, after a lapse of time, an increase of revenue; but that in almost every case—I believe in every case in which it does—the interval of time which elapses before even the same amount of revenue is received is very considerable."

He thought that his noble friend (Lord John Russell) had given an overwhelming answer to the argument of the right hon. Baronet, and that the right hon. Baronet might be taken to be fairly ashamed of his own words, for on Friday he did not appear to recognize them as having fallen from his lips. The right hon. Baronet, on Friday, for the first time this Session, if he recollected rightly, had returned again to the cry of last year, with regard to slavery; and the right hon. Baronet had congratulated him upon his new-born zeal upon this subject; but when he knew that the proposition was for merely equalizing the duty upon sugar grown by the free people of India with that grown by the slave population of the West Indies, and which had met with the opposition of the right hon. Baronet when proposed by Mr. Whitmore, he could not but congratulate the right hon. Baronet on his new-formed anxiety in favour of the negroes. But without going into the argument of last year—whether or not any scruples existed with regard to slave-grown sugar or coffee—how was it possible for him, under existing circumstances, to think that the object of the right hon. Baronet was reasonable? and he must

confess that it required a strong effort of charity to believe the right hon. Baronet to be sincere. If he were to endeavour to find some reason why a reduction of the sugar duties was not proposed as one of the means at least of meeting the existing deficiency, he thought that he could discover it in the fact that, when last year it was determined that the late Government should give way, no more convenient or more popular mode of securing that object presented itself than that which might be derived from the existing feeling in opposition to negro slavery, and therefore it was that resolutions had been submitted to the House, drawn in terms which condemned the proposition of the Government with regard to sugar, on the ground of philanthropy. The right hon. Baronet had turned out the late Government—he had a majority which upon that or any other point would have secured the same end. An outcry was raised, which, though in truth it was but the howl of an old slave-driver, succeeded at last, and the right hon. Baronet having come into power, after the vote of last year, he felt that his hands were tied—that he could not bring on any measure which should have for its effect the reduction of those duties, which he had before opposed on moral grounds, without exposing himself to the imputation of gross inconsistency. It was in order to sustain the consistency of the right hon. Baronet that the House was called upon to adopt, and the country to submit to an Income-tax. But when the right hon. Baronet was unable to find any reasons for the Income-tax, he made them. He pitched away the timber duties at once. For his own part, he believed that throwing away the timber duties was a greater financial misfortune than the disasters in Affghanistan. The throwing away the timber duties occasioned a loss of 600,000*l.* per annum; he did not believe that 600,000*l.* per annum would be imposed for more than a short time, in consequence of what had taken place in India. But when the right hon. Baronet had thrown away this large branch of the public revenue of the country, he



must say that he thought that instead of saying that he was imposing an Income-tax for the purpose of supplying the deficiencies of the public service, it would have been more correct for him to assert that he had increased the deficit, in order that he might have an excuse for imposing the Income-tax. These were the opinions which he held; he believed that this tax could be proved, and had been proved, to be one the imposition of which nothing but the greatest extremity could justify. He did not think that this country was in such a position of extremity; he thought that the right hon. Baronet had exaggerated the financial difficulties of the country—that he had brought into this discussion matters which were not connected with it, which had nothing to do with it when he formed the plan which he had brought forward; that he had brought into it vague and mysterious hints of certain possible expenses which might be hereafter incurred, but of the nature of which he had not given the House the slightest notion; that he had given up the obvious means by which the position of our finances might have been improved—that he had enlarged the deficit by throwing away a source of revenue which would have materially tended to relieve the country from the difficulties in which it was placed; and under these circumstances, he should only discharge his duty by giving his vote in favour of the motion of his noble Friend.

## THE MUTINY BILL.—FLOGGING IN THE ARMY.\*

APRIL 15, 1842.

WERE he disposed to do so, he, of all his late Colleagues in office, could vote with the most perfect consistency in favour of the motion of the hon. and gallant Member [Sir H. Hardinge], for during the time that he at least had held the office of Secretary at War, the question of flogging in the army was never once mooted. But the question was one of those peculiarly painful topics of inquiry, and upon which the evidence was of so peculiar a nature, that noble Lords or right hon. Gentlemen who had held the office of Secretary at War, and who had obtained the information respecting it, which was only to be acquired in that post, had invariably been compelled by the facts which came to their knowledge, to take their share of the unpopularity which attached to its infliction, and at the hazard of losing their character for consistency to vote for its continuance, notwithstanding any former declarations against the practice. The inquiry that had been instituted into the practice of flogging in the army had terminated in regulations that had confined the legal infliction of that punishment to as narrow a limit as was consistent with the safety of the discipline of the army. For his own part, he was disposed to say, that the actual infliction of flogging ought to be confined to much narrower limits than even the law permitted; but with the knowledge which he had acquired with respect to the facts attendant on this punishment, and after having had the opportunity, which he had availed himself of

\* Hansard, 3d Series, vol. lxii. p. 530-1.

during the period that he was Secretary of War, of acquiring information on the subject, he must say, that he did not think the practice could with safety be relinquished. The only way to diminish the chances of its infliction was by elevating the moral character of the soldier, and by giving him intellectual enjoyments, which would tend to diminish the chances of his resorting to degrading or unsoldier-like habits or faults. As it was, he should vote against the motion of the hon. and gallant Member, and he should have done so, had it been brought forward last year. There was another question that had been incidentally mooted in the course of the observations of the hon. and gallant Member, which was the consistency that had been displayed by the hon. and gallant Member for Chippenham. The recollection which he had on the subject was not in accordance with the course which the hon. and gallant Member had expressed his intention to pursue on the present occasion; for, in referring to a record of the debate on this subject, which took place on the 26th of March, 1838, he found the following words attributed to the hon. and gallant Member :

“He (the hon. and gallant Member) called upon the House to abolish this barbarous and brutal torture, and to show to the continental nations that the British soldier could discharge his duty with equal fidelity under the impulse of more ennobling motives than that of terror.”

The hon. and gallant Member was here found exclaiming against the practice of flogging in the army, and calling upon the House to abolish a punishment so brutal and barbarous. He considered those expressions to be more than equivalent to any vote that could have been given in favour of the motion, and the effect which he attributed to them was confirmed by the reply which the hon. and gallant Member made to the observations of the hon. Member for Lambeth, during the course of the debate on the same evening, wherein he had stated that he would, if he had the



power, abolish corporal punishment in the army altogether. Looking, therefore, at the very slight changes that had been made between the year 1836 and the year 1838, in the practice of flogging in the army, he did not think the hon. and gallant Member was entitled to shelter himself from the charge of inconsistency in the course which he pursued on the present occasion, however right and proper that course might be.

## THE NATIONAL PETITION—THE CHARTER.\*

MAY 3, 1842.

I AM particularly desirous of saying a few words upon this question. because upon a former evening, when a discussion took place upon a motion of the hon. Member for Rochdale, I was prevented from being in my place by accidental circumstances. I know that the absence of some of the Members of the late Government on that occasion, was considered and spoken of as exhibiting in their minds an inattention to this subject, or a want of sympathy for the interests of the humbler classes of the people of this country. For myself I can answer that I was compelled to absent myself on account of temporary indisposition; a noble Friend of mine, to whose absence particular allusion was made, was prevented from attending the House by purely accidental circumstances; and no one Member of the late Administration, I am persuaded, was withheld by any unworthy motives from stating his opinions upon this subject. In the observations which I shall now make to the House, I shall attempt to imitate, as far as I can, the very proper temper of the speech of the right hon. Baronet the Secretary of State for the Home Department; but if I should be betrayed into the use of any expressions not entirely consistent with a calm view of the question, the House will attribute it to the warmth with which I view the subject generally, and no one who is acquainted with my feelings will attribute it to any want of kindness or of good-will towards those who have signed the petition which has been presented to the House. With regard to the motion which has been

\* Hansard, 3d Series, vol. lxiii. p. 43-52.

made, I cannot conscientiously vote for it. The hon. Member for Finsbury has shaped the motion with considerable skill, so as to give me a very fair plea to vote for it, if I wished to evade the discharge of my duty, so that I might say to my conservative constituents, "I never supported universal suffrage, or those extreme points for which these petitioners call;" or to a large assembly of Chartists, "When your case was before the House of Commons, on that occasion I voted with you." But I think that in a case so important I should not discharge my duty if I had recourse to any such evasion, and I feel myself compelled to meet the motion with a direct negative; and it seems to me that if we departed from our ordinary rule of not hearing persons at the Bar of this House under circumstances of this nature, it must be understood, by our adopting such a course, if not that we are decidedly favourable to the motion which is made, at least that we have not fully made up our minds to resist what the petitioners ask. For my own part, my mind is made up in opposition to their prayer, and, being so, I conceive that the House might complain of me, and that the petitioners also might complain of me, if I were to give an untrue impression of my views by voting in favour of this motion; and I think that if I took such a course, and in three or four years hence I gave a distinct negative to every one, or to the most important clauses of the charter, there would be much reason to complain of my disingenuousness. An accusation founded upon such grounds, I shall, if I can, prevent their bringing against me. In discussing this question I do not intend, as the hon. Member for Westminster has suggested, to deal with the contents of the petition with any degree of harshness. To the terms of it I shall scarcely allude, but to the essence of it I must refer: and I cannot but see that what the petitioners demand is, that we should immediately, without alteration, deduction, or addition, pass the charter into a law; and when the hon. Member for Finsbury calls on the House to hear persons in support of the prayer of the petition at



the Bar, I say that if he can contend that the object of that inquiry will be to investigate the causes of public distress, by all means let the motion be carried—I will not oppose it. But when I see that the petitioners send to this House demanding that a particular law shall be passed, without addition, deduction, or modification, and that immediately, and that they demand that persons shall be heard at the Bar of the House in favour of that law, I say that to allege that the only object of the inquiry is to ascertain the causes of public distress, is a paltering with the question, to which the House will pay no attention. There are parts of the charter to which I am favourable—for which I have voted, which I would always support; and in truth of all the six points of the charter there is only one to which I entertain extreme and unmitigated hostility. I have voted for the ballot. With regard to the proposition that there be no property qualification required for Members in this House, I cordially agree, for I think that where there is a qualification of property required for the constituent body, a qualification for the representative is altogether superfluous. And it is absurd, that while the Members for Edinburgh and Glasgow are required to have no property qualification, the hon. Members for Marylebone or Finsbury must possess such a qualification. I say that if the principle is to be adopted at all, let it be of universal application; if it be not so, let it be abandoned. It is no part of the constitution of the kingdom, that such a qualification should be required; nor is it a part of the consequences of the revolution; but, after all, it was introduced by a bad Parliament, now held in no high esteem, and for the purpose of defeating the revolution, and excluding the Protestant succession to the crown. With regard to the other points of the Charter, I cannot support the proposition for annual Parliaments; but I should be willing to meet the wishes of the petitioners by limiting their duration to a shorter period than that for which they may now endure. But I do not go the length of the Charter, because there is one point

which is its essence, which is so important, that if you withhold it, nothing can produce the smallest effect in taking away the agitation which prevails, but which, if you grant, it matters not what else you grant, and that is, universal suffrage, or suffrage without any qualification of property at all. Considering that as by far the most important part of the Charter, and having a most decided opinion, that such a change would be utterly fatal to the country, I feel it my duty to say, that I cannot hold out the least hope that I shall ever, under any circumstances, support that change. The reasons for this opinion, I will state as shortly as I can. And, in the first place, I beg to say, that I entertain this view upon no ground of finality; indeed, the remarks which I have already made preclude such a supposition, but I do admit my belief, that violent and frequent changes in the Government of a country are not desirable. Every great change, I think, should be judged by its own merits. I am bound by no tie to oppose any legislative reform which I really believe will conduce to the public benefit; but I think that that which has been brought forward as an undoubted and conclusive argument against a change of this sort, that it is perfectly inconsistent with the continuance of the Monarchy or of the House of Lords, has been much over-stated. And this I say, though I profess myself a most faithful subject to her Majesty, and by no means anxious to destroy the connection which exists between the Monarchy, the aristocracy, and the constitution, that I cannot consider either the Monarchy or the aristocracy as the end of Government, but only as its means. I know instances of governments with neither a hereditary monarchy nor aristocracy, yet flourishing and successful, and, therefore, I conceive this argument to have been overstated. But I believe that universal suffrage would be fatal to all purposes for which government exists, and for which aristocracies and all other things exist, and that it is utterly incompatible with the very existence of civilization. I conceive that civilization rests on the security of property, but I

think that it is not necessary for me, in a discussion of this kind, to go through the arguments, and through the vast experience which necessarily leads to this result; but I will assert, that while property is insecure, it is not in the power of the finest soil, or of the moral or intellectual constitution of any country, to prevent the country sinking into barbarism, while on the other hand, while property is secure, it is not possible to prevent a country from advancing in prosperity. Whatever progress this country has made, in spite of all the mis-government which can possibly be imputed to it, it cannot but be seen how irresistible is the power of the great principle of security of property. Whatever may have been the state of war in which we were engaged, men were still found labouring to supply the deficiencies of the State; and if it be the fact, that all classes have the deepest interest in the security of property, I conceive, that this principle follows, that we never can, without absolute danger, entrust the supreme Government of the country to any class which would, to a moral certainty, be induced to commit great and systematic inroads against the security of property. I assume, that this will be the result of this motion—and I ask, whether the Government, being placed at the head of the majority of the people of this country, without any pecuniary qualification, they would continue to maintain the principle of the security of property? I think not. And if I am called upon to give a reason for this belief—not meaning to refer to the words of the petition with any harsh view—I will look to the petition to support what I have said. The petition must be considered as a sort of declaration of the intentions of the body, who, if the Charter is to become law, is to become the sovereign body of the State—as a declaration of the intentions of those who would in that event return the majority of the representatives of the people to this House. If I am so to consider it, it is impossible for me to look at these words without the greatest anxiety:—



"Your petitioners complain, that they are enormously taxed to pay the interest of what is called the national debt—a debt amounting at present to £800,000,000—being only a portion of the enormous amount expended in cruel and expensive wars for the suppression of all liberty, by men not authorized by the people, and who consequently had no right to tax posterity for the outrages committed by them upon mankind."

If I am really to understand that as an indication of the opinion of the petitioners, it is an expression of an opinion, that a national bankruptcy would be just and politic. If I am not so to understand it, I am utterly at a loss to know what it means. I conceive, for my own part, that it is impossible to make any distinction between the right of the fundholder to his dividends, and the right of the landholder to the rent for his land, and I say, that the author of this petition makes no such distinction, but treats all alike. The petitioners then speak of monopolies, and they say:—

"Your petitioners deeply deplore the existence of any kind of monopoly in this nation; and whilst they unequivocally condemn the levying of any tax upon the necessaries of life, and upon those articles principally required by the labouring classes, they are also sensible, that the abolition of any one monopoly will never unshackle labour from its misery, until the people possess that power under which all monopoly and oppression must cease; and your petitioners respectfully mention the existing monopolies of the suffrage, of paper money, of machinery, of land, of the public press, of religion, of the means of travelling and transit, and a host of other evils too numerous to mention, all arising from class-legislation."

Now, I ask whether this is not a declaration of the opinion of the petitioners, that landed property should cease to exist? The monopoly of machinery, however, is also alluded to, and I suppose that will not be taken to refer to the monopoly of machinery alone, but the monopoly of property in general—a view which is confirmed when we further look to the complaint of the monopoly of the means of transit. Can it be any thing but a

confiscation of property—of the funds—and of land—which is contemplated? And is it not further proposed, that there shall be a confiscation of the railways, also? I verily believe, that that is the effect of the petition. What is the monopoly of machinery and land, which is to be remedied? I believe, that it is hardly necessary for me to go into any further explanation, but if I understand this petition rightly, I believe it to contain a declaration, that the remedies for the evils of which it complains, and under which this country suffers, are to be found in a great and sweeping confiscation of property; and I am firmly convinced, that the effect of any such measure would be not merely to overturn those institutions which now exist, and to ruin those who are rich but to make the poor poorer, and the amount of the misery of the country even greater, than it is now represented to be. I am far from bringing any charge against the great body who have signed this petition. As far am I from approving of the conduct of those who, in procuring the petition to be signed, have put the sentiments which it embodies into a bad and pernicious form. I ask, however, are we to go out of the ordinary course of Parliamentary proceedings, for the purpose of giving it reception. I believe, that nothing is more natural than that the feelings of the people should be such as they are described to be. Even we ourselves, with all our advantages of education, when we are tried by the temporary pressure of circumstances, are too ready to catch at every thing which may hold out the hope of relief—to incur a greater evil in future, which may afford the means of present indulgence; and I cannot but see, that a man having a wife at home to whom he is attached, growing thinner every day, children whose wants become every day more pressing, whose mind is principally employed in mechanical toil, may have been driven to entertain such views as are here expressed, partly from his own position, and partly from the culpable neglect of the Government in omitting to

supply him with the means and the power of forming a better judgment. Let us grant that education would remedy these things, shall we not wait until it has done so, before we agree to such a motion as this; shall we, before such a charge is wanted, give them the power and the means of ruining not only the rich but themselves? I have no more unkind feeling towards these petitioners than I have towards the sick man, who calls for a draught of cold water, although he is satisfied that it would be death to him; nor than I have for the poor Indians, whom I have seen collected round the granaries in India at a time of scarcity, praying that the doors might be thrown open, and the grain distributed; but I would not in the one case give the draught of water, nor would I in the other give the key of the granary; because I know that by doing so I shall only make a scarcity a famine, and by giving such relief, enormously increase the evil. No one can say that such a spoliation of property as these petitioners point at would be a relief to the evils of which they complain, and I believe that no one will deny, that it would be a great addition to the mischief which is proposed to be removed. But if such would be the result, why should such power be conferred upon the petitioners? That they should ask for it is not blamable; but on what principle is it that we, knowing that their views are entirely delusive, should put into their hands the irresistible power of doing all this evil to us, and to themselves? The only argument which can be brought forward in favour of the proposition is, as it appears to me, that this course, which is demanded to be left open to the petitioners, will not be taken; that although the power is given, they will not, and do not intend to execute it. But surely this would be an extraordinary way of treating the prayer of the petition; and it would be somewhat singular to call upon the House to suppose that those who are seeking for a great concession put the object of their demand in a much higher manner than



that which presented itself to their own minds. How is it possible that according to the principles of human nature, if you give them this power, it would not be used to its fullest extent? There has been a constant and systematic attempt for years to represent the Government as being able to do, and as bound to attempt that which no Government ever attempted; and instead of the Government being represented, as is the truth, as being supported by the people, it has been treated as if the Government supported the people; it has been treated as if the Government possessed some mine of wealth—some extraordinary means of supplying the wants of the people; as if they could give them bread from the clouds—water from the rocks—to increase the bread and the fishes five thousandfold. Is it possible to believe that the moment you give them absolute, supreme, irresistible power, they will forget all this? You propose to give them supreme power; in every constituent body throughout the empire capital and accumulated property is to be placed absolutely at the foot of labour. How is it possible to doubt what the result will be? Suppose such men as the hon. Members for Bath and Rochdale being returned to sit in this House, who would, I believe, oppose such measures of extreme change as would involve a national bankruptcy, what would be the effect if their first answer to their constituents should be, “Justice and the public good demand that this thirty millions a-year should be paid?” Then, with regard to land, supposing it should be determined that there should be no partition of land, and it is hardly possible to conceive that there are men to be found who would destroy all the means of creating and increasing wages, and of creating and increasing the trade and commerce of this country, which gives employment to so many! Is it possible that the three millions of people who have petitioned this House should insist on the prayer of their petition? I do not wish to say all that forces itself on my mind with regard to what might be the result of our granting the Charter. Let us, if we can, picture to ourselves the conse

quences of such a spoliation as it is proposed should take place. Would it end with one spoliation? How could it? That distress which is the motive now for calling on this House to interfere, would be only doubled and trebled by the act; the measure of distress would become greater after that spoliation, and the bulwarks against fresh acts of the same character would have been removed. The Government would rest upon spoliation—all the property which any man possessed would be supported by it, and is it possible to suppose that a new state of things would exist wherein every thing that was done would be right? What must be the effect of such a sweeping confiscation of property? No experience enables us to guess at it. All I can say is, that it seems to me to be something more horrid than can be imagined. A great community of human beings—a vast people would be called into existence in a new position; there would be a depression, if not an utter stoppage, of trade, and of all those vast engagements on the country by which our people were supported, and how is it possible to doubt that famine and pestilence would come before long to wind up the effects of such a system? The best thing which I can expect, and which I think every one must see as the result, is, that in some of the desperate struggles which must take place in such a state of things, some strong military despot must arise, and give some sort of protection—some security to the property which may remain. But if you flatter yourselves that after such an occurrence you would ever see again those institutions under which you have lived, you deceive yourselves; you would never see them again, and you would never deserve to see them. By all neighbouring nations you would be viewed with utter contempt, and that glory and prosperity which has been so envied would be sneered at, and your fate would thus be told: “England,” it would be said, “had her institutions, imperfect though they were, but which contained within themselves the means of remedying all imperfections. Those institutions were wantonly thrown

away for no purpose whatever, but because she was asked to do so by persons who sought her ruin; her ruin was the consequence, and she deserves it." Believing this, I will oppose with every faculty which I possess the proposition for universal suffrage. The only question is, whether this motion should be agreed to. Now, if there is any gentleman who is disposed to grant universal suffrage, with a full view of all its consequences, I think that he acts perfectly conscientiously in voting for this motion; but I must say, that it was with some surprise I heard the hon. Baronet the Member for Leicester, agreeing with me as he does in the principles which I advocate, say, notwithstanding, that he is disposed to vote simply for the motion for permitting these petitioners to come to our Bar to speak in defence of their petition. [Sir *J. Easthope*. To expound their opinions.] I conceive their opinions are quite sufficiently expounded. They are of such an extent that I cannot, I must confess, pretend to speak of them with much respect. I shall give on this occasion a perfectly conscientious vote against hearing the petitioners at the Bar; and it is my firm conviction that in doing so I am not only doing that which is best with respect to the State, but that I am really giving to the petitioners themselves much less reason for complaining than those who vote for their being heard now, but who will afterwards vote against their demand.



## SUNDAY TRAVELLING ON RAILWAYS.\*

JUNE 18, 1842.

HE was strongly opposed to any further legislation with respect to Sunday travelling. Why, he would ask, should one mode of travelling be prohibited and others allowed, when that mode caused the least exertion and required the least portion of human labour? Were they to legislate in this way because an unfortunate accident had taken place on a Sunday on a railroad? Such an attempt at argument to reconcile them to such a proceeding was more extravagant than any schoolboy argument that he had ever heard. But what was the mode of procedure the hon. Gentleman [Mr. Plumptre] wished to resort to, to enforce his proposed clause? He found that at present there were many prohibitions against performing certain acts on the Sunday. But how were these enforced? Why by penalties in each case. In the present case the hon. Member, if he wished to make his clause operative in this respect, might have proposed that a fine of 5*l.* should be levied; for it was obvious that all laws of this kind must be perfectly nugatory without the enforcing the payment of some penalty on one party or the other. This clause, however, not only contained no penalty, but it did not mention any party who was to be responsible for a breach of the law. He would defy the hon. Member or any one else, by such a motion or clause, to put a stop to railway travelling on Sunday. There might be a penalty of 1,000*l.* for each offence imposed in such a clause as the hon. Member had proposed, but how was it possible to enforce it? But the clause, however, was

\* Hansard, 3d Series, vol. lxiv. p. 183-185.

open to objections of another nature. The hon. Member proposed as an exception, that nothing in this act contained shall extend to prohibit the use of any railway on the Lord's Day in cases of charity or necessity. Now he should like to know who was to be the judge of these cases of necessity or charity. Was it for the committee seriously to entertain so futile and childish a proposition? And were they not to know what court the hon. Member proposed should try these questions of charity or necessity? Again, were the travellers to be made answerable, or were the proprietors of the railroad? Suppose the hon. Member went to the Birmingham Railway station, and said that he wanted to leave by a train on a matter of urgent necessity; how were the railway people to determine upon a case of the kind? He would venture to say, that the people of this country would not bear the operation of such a monstrous and absurd piece of legislation for a single day. Now what test was there to be for a work of charity or necessity? Every man would put a different interpretation on a matter of this kind. Suppose, for instance, a man heard on a Sunday that his daughter had just eloped from a boarding-school at Bath, might he not say that this was a case of necessity to look after his family on a Sunday, while others might tell him that he might wait till the Monday? A case of rather an extraordinary kind, having reference to this subject, came under his cognizance a few years ago. He recollected that in December 1825, having seen a gentleman of the greatest piety, and who entertained the strictest notions as to the observance of the Sunday, getting out of a stage-coach from a distant part of the country in which he resided, on a Sunday evening; on immediately expressing his surprise at seeing him, knowing as he did the strictly conscientious opinion that he entertained as to travelling on a Sunday, this gentleman, who, by the by, was a country banker, told him that he was compelled to travel as a work of necessity, namely, to get a supply of money to meet the

panic. Now who was to determine whether that was a case of necessity or not, within the meaning of the clause? What tribunal was to decide the question? In such cases it would not be possible to lay a penalty on the travellers, and still more absurd was it to propose to lay a penalty on the railroads, for the agents or the servants of the railway company could only judge of the travelling being a work of charity or necessity by what the travellers told them. Or, would the hon. Gentleman propose that a committee of directors of each railway should sit in each station-house, to determine, in the case of each traveller, as to whether it was a case of necessity or charity? Such a clause could only be regarded as a monstrous waste of words, and it never would attain the object the hon. Member had in view. If there was any proposition made to restrain further Sunday travelling, he should oppose it to the utmost; but he objected to the adoption of this clause, because he thought that the House would be placed in a most ludicrous situation by adopting so extravagant and monstrous a proposition.



LORD ELLENBOROUGH'S PROCLAMATIONS—  
SOMNAUTH.\*

MARCH 9, 1843.

IF, Sir, the practice of the hon. Member had agreed with his precepts—if he had confined his observations in this House to the particular subject under discussion—I should have strictly followed his example, conceiving that there is abundance, indeed, to be said both as to the matter and the manner of this proclamation; nor, Sir, will I suffer myself, by the peroration he has made, to be led away to any great distance, or for any long time, from the important question which is now before us. Yet I cannot regret that the hon. Gentleman, who has this night exhibited, as he has done on former occasions, proofs of no small stock of ability and acuteness, should have complained that this charge was brought against his right hon. Friend, the Governor-General, in his absence. Is this House, Sir, interdicted from considering the conduct of a Governor-General who is absent? Why, Sir, how are we to attempt to criticise his conduct, if we may not do it in his absence? For my own part, I may say for myself, and I may truly say for my right hon. Friend near me, that we both would have wished with our whole souls that we could have discussed this question in the presence of the Governor-General. And permit me to say, that if there be any public man—if there be any Governor-General, who has no right to complain of any remarks in his absence, it is that Governor-General, the first Governor-General who has borne that high station, who has

\* Hansard, 3d Series, vol. lxxvii. p. 612-628.

employed his power to place a stigma upon the character, and to bring a charge against his predecessor in his absence; that Governor-General who has been the first to forget all official decency—who was the first to forget that rule of unity in the state which should have prevented him from placing a stigma upon the conduct of the Governor-General, of whom I will say this—and this only, that whatever may have been his faults in other respects, he was faultless with respect to Lord Ellenborough. I am sure, Sir, that no hon. Gentleman will rise on the other side of the House and will deny my assertion that no Governor-General ever exerted himself more strenuously or more effectually to leave to the Governor-General who should come after him all the facilities in his power, or to contribute more earnestly to his success. If his successor had been his own brother, it was impossible that my Lord Auckland could have laboured more to give him every advantage. And what was his requital? A proclamation from that successor, published in his absence, stigmatizing the whole of his predecessor's conduct. But since our attention has been called by the hon. Gentleman from the proclamation now under discussion—since it has been said that it was a mere calumny to say that the orders for the withdrawal of the troops were given before the fate of the prisoners was known, or to assert that the Governor-General was indifferent to the fate of the prisoners—permit me to ask the hon. Gentleman, or the hon. Director who sits behind him, to explain one point which it appears to me most important to resolve. I promise them I will be very concise in the question I will put. When my Lord Ellenborough put his hand to the proclamation of the 1st October, 1842, did he, or did he not know that the prisoners were then in safety? That on the 1st of October the Governor-General did not know that the prisoners were safe I am certain. What defence, then, is offered for this proclamation? Even this, that the proclamation itself bears a false date—that it was not framed on the 1st

of October. That the date of the 1st of October was inserted I believe, and I shall be glad to hear it contradicted, though I doubt whether any hon. Gentleman will venture, on his own knowledge, to contradict the statement. I believe that my Lord Ellenborough placed to that proclamation the false date of the 1st of October, because my Lord Auckland's manifesto against Affghanistan was dated on the 1st of October, 1838. The false day was put for the sake of so paltry and so contemptible a triumph. That act, I say, indicates an intemperate mind, unfit for so high a trust; for the sake of a paltry triumph over his predecessor, a date is put to the proclamation which makes it appear that he and the English Government were perfectly indifferent to the fate of the prisoners. For the effect of such a proclamation among the natives of India must be—the general impression of Lord Ellenborough, with respect to that order, must be—that he, and the Government which appointed him, were utterly regardless of the fate of the prisoners—and, Sir, I believe that my Lord Ellenborough rendered himself liable to this imputation by inserting a date which might appear as an attack upon my Lord Auckland. That, Sir, is not the only subject on which I might touch, if I chose to follow the hon. Gentleman into a debate on larger matters, and unconnected with the subject more immediately before us. I might call to the attention of the House the conduct of the Governor-General towards the Civil Service in India, the spirit of which I fear may be broken by his treatment. I might talk to the House of the financial commission issued by the noble Lord to find out the blunders of his predecessor, and which ended only in finding out blunders of his own. But, Sir, I conceive that the present subject, both on the serious and ludicrous side of the question, ought to occupy all our attention. And first as to the serious side. I abjure at once all intention, and every wish, to raise any fanatical outcry, or lend my aid to any fanatical progress. I solemnly declare that I would at any time rather be the victim



than the tool of fanaticism; and that if the conduct of Lord Ellenborough were called in question for using strict toleration towards all religions, or for any reprobation of the misguided zeal of Christian missionaries, I would, notwithstanding any political differences between us, be the first to stand forward in his defence. This, however, is not the case. It is all very well for the hon. Gentleman to say that we look at small and trivial errors. This I deny. This is no light thing. We are the governors of a larger heathen population than (with one exception) I believe the world ever knew collected under one sceptre since the first Christian epoch. It is, Sir, no light matter to say what the policy of a Christian Government should be in such circumstances. It is a serious and a grave question in morals and in government. However weak we might have been when we first went to India, we now find subject to our sway there 100,000,000 of souls not professing the Christian faith, a large portion of whom are Mussulmans—they are a minority, but a minority reckoned by tens of millions; they are a more united, but they are also a more fanatical body than the majority; they are accustomed to unite, they are used to war, they show a higher spirit than the majority, but in general they are more untractable and more fierce. Mingled with them are many, many millions of idolators. Many are inordinately influenced by the forms of their superstition, of which it is impossible for any person who values even their temporal interest to speak without the deepest and most serious consideration. I believe, Sir, that in no part of the world is there a superstition more unfavourable to the advancement of knowledge and of civilization. There are many fables, the very believing of which produces the utmost degradation of the mind, bound up with these false notions; many errors and prejudices in reference to physical subjects are connected with their distinct and odious belief, raising great and almost insuperable obstacles to the advance of science. There are symbolical badges teaching them

a kind of worship which I will not mention : their very forms of worship are connected with the worst forms of prostitution. There is a great and deplorable degradation of the female races. And, Sir, when we have said all this, we have not said the worst. The most fatal crimes against religion and against property are closely allied to the religion they uphold : they offer up human sacrifices to their deities ; they have still their inhuman Suttee, by which the widow is sacrificed by her own children. Even the atrocious practice of the Thugs is carried on notoriously under the apparent direction of their divinities. During my stay in India I read the examination of two Thugs, where one reprimanded his brother for letting off with his life a traveller who had fallen into their power, saying :—

“How can you expect our goddess to protect us, if you thus spare the life of the traveller you have taken ?”

Where, Sir, we find a religion of this sort, it is an extremely difficult problem to be solved in what way a Christian Government should deal with a people holding such a religion or such a faith. We might have attempted the policy which was of old adopted by Spain : we might have attempted to convert this heathen people to our own faith. We might have attempted a large scheme of proselytism ; but, in my opinion, the English Government have acted more wisely : they have not adopted any system of proselytism ; at the same time we have not imposed any civil disabilities on any native of India, let him hold whatever faith he may ; and the very last act concerning the charter of the East India Company declares that no native, let his religious opinion be what it may, shall be incapable of holding any situation under Government. Although we have not done anything to put down their religion, and although in this we have acted most wisely, yet, Sir, I am not sure that for some time a most dangerous and pernicious leaning has not been exhibited the other

way—I believe that we have done much to make the idolatrous practices a matter of national reverence. We long looked with jealousy on the labours of the Christian missionaries who went to India, we long looked too severely on the conduct of those whose labours were of no slight value; we tolerated too long the human sacrifice, we allowed too long the degrading practice of the Suttee, which might have been put down long ago were it not for our toleration. I believe that we made no attempt to protect the persons or property of our fellow-creatures and our subjects against the demands of superstition. As far, too, as related to a great part of their idolatrous processions, and to the decoration of their temples, we lent our aid; we sent, under our escort, the native chiefs on their way to worship at those temples; and we thus marked our support of an idolatrous worship. We might have had an object in all this. I think it undignified, even if it were not, under all considerations, most inexpedient in a temporal point of view, and as a temporal matter alone will I be tempted to discuss it. The inevitable effect on the people of India was to make them believe that we attached no importance to the vast distinction between that religion, every work of which has always been beyond all other religions, to advance knowledge and learning, to widen the field of domestic happiness, to promote and secure public and personal liberty, which in the old world has struck off the chains of slavery, which has everywhere raised the condition of woman, and assuaged the horrors of war; and that other religion, which we cannot sanction or support without committing an act of treason against civilisation and against humanity. Gradually, however, a system has been introduced which every one who is aware of the state of India will admit to be of considerable importance, and without meaning to say it amounts to absolute perfection, I am not aware that at the present moment the rules laid down by the Home Government for the conduct of our Indian authorities admit of any considerable improvement.



I think it was my Lord Wellesley who led the way and abolished the immolation of female children, and great as is the title of that eminent statesman to the gratitude of his country, this was one of the proudest of the claims which his friends and those who regret his loss will rejoice to acknowledge. In the year 1813 the restriction on the admission of missionaries was abolished: a clause was inserted in the charter which defeated that restriction. At a later period, Sir, Lord W. Bentinck abolished the Suttee. An order was also sent out by the Government at home on the subject of the pilgrim-tax. Lord Glenelg—I was in office at the time, and I know the fact—Lord Glenelg, with his own hand, wrote that most important and valuable despatch of February, 1833, to which such frequent reference has been made. In that despatch—and I recollect it so well, that I can almost state with precision the paragraph, and quote its substance, almost its exact words—in the 62nd paragraph of that despatch will be found a complete system—I might call it of legislation—but a code of conduct for the Indian authorities. It directed, that all matters whatever, relating to temples and to idols, are to be left entirely to the natives themselves to act. This order was to be acted upon by the Indian authorities, who were to use their best discretion in introducing it. Its operation was left, as it necessarily must be, to the Indian authorities. Again, there was in the year 1838 another despatch, which recognised the 62nd paragraph of the despatch of 1833, which pointed out its importance, and the intention of the directors to carry it out. Again in the year 1841 orders upon this subject were sent out, which were so framed that I am almost led to believe that my Lord Ellenborough had read them carefully through for the express purpose of disobeying them as far as he could. Orders positive and distinct were given to the Indian authorities by this despatch to have nothing to do with the national temples of the idols; positive and distinct orders to make no presents to these temples; positive

and distinct orders to give no decorations to those temples, positive and distinct orders to employ no troops to do honour to the worship of these idols. This despatch was sent out by the Court of Directors in the year 1841, and I think while that despatch is acted upon, our own religion is held sacred, whilst all possible toleration is given to the professors of different religions. To attempt to convert that toleration into a direct approval appears to me to be a crime, and directly opposed to the reasonings and the intentions of individuals of the best information with respect to India, and far better qualified than the Governor-General to form a correct opinion. It was the intention of the Government rigidly to preserve wise neutrality. I come, then, to the charge against Lord Ellenborough: it is, that he has departed from that neutrality; it is, that he has disobeyed the orders of those from whom his power is derived, and to whom his obedience is due. That is the first part of the charge, but it is not the greatest or the heaviest. Is it denied that my Lord Ellenborough assisted in the decorations of these idolatrous temples? Is it denied that he interfered with their concerns? Is it denied that he made them gifts? Why, the only argument of the hon. Gentleman opposite is, that as my Lord Ellenborough sent the troops to escort the gates, he had not interfered in any religious way, because the directors had ordered him not to give any encouragement to idolatry. That was a strange mode of proving, that Lord Ellenborough had not disobeyed the orders of the directors. Undoubtedly, if the first principle of our reasoning is to be, that my Lord Ellenborough is a perfect man—if the first principle is to be, that he cannot possibly do any wrong—why then I fully admit the force of the hon. Gentleman's argument. But, Sir, can it be seriously denied, that Lord Ellenborough did send the troops to carry these gates from a Mahometan mosque to a Hindoo temple, and place them on the restored temple of Somnauth? [*Cheers.*] Aye, the restored temple! [*Renewed Cheers.*] Let us understand that word,

restored. We all know that the temple is in ruins. How is it possible to doubt that my Lord Ellenborough, before he determined to issue that important proclamation, did not know that the temple was in ruins, or that he did not ask of those about him, and who knew the state of that temple? If the hon. Gentleman will seriously stand up and say he believes that my Lord Ellenborough wrote that despatch without asking a question of those around him—if such were really his conduct, the hon. Gentleman by stating it, would pronounce upon it the severest condemnation. It is clear, Sir, that his Lordship, if he did not know the fact, did inquire into the state of the temple, and that he was told that it was in ruins. And what did his Lordship say? He calls it the restored temple. It is impossible to doubt that he intended its restoration before he should set up the gates in it. I defy the hon. Gentleman—I defy all human ingenuity—to get off one of the two horns of the dilemma. Either way it will settle this question. Either his Lordship did publish his proclamation without making inquiry or knowing of himself that the temple was in ruins; or, having been told that it was, he determined that it should be restored. Turn and twist it which way you will, you can make nothing else of it. It is like the stain on the key, in the story of “Bluebeard;” if you can clean it on one side, the spot springs up on the other. Here, then, is direct disobedience to the orders of the Court of Directors, and that is the first charge which I bring against my Lord Ellenborough. It is not, however, the chief or the most important. I come now to the duty of an English governor, supposing that the Court of Directors should not have given him any directions, and supposing that he had not violated any such instructions. Lord Ellenborough has not a mind so contracted as not to know the difference between the temporal effects—for I mean to speak only of these—and the civil effects of a religion like that of his countrymen, and a religion like that which exists among the idolaters of India. It



was clearly his duty to pay no homage to any native religion in that country, and to offer no insult to any. But, Sir, he has paid that homage, and he has offered that insult, and more than that. Not only has this homage been paid and this insult offered, but it has been done in the worst possible manner. We might have looked with some sort of favour on his Lordship's acts and intentions, it might have been some mitigation of those insults if they had been offered to the most degrading and most corrupting of all forms of worship, and if the homage had been paid to some reasonable and salutary doctrine. But the fact was just the reverse. His Lordship took the worst possible way of deviating from the required neutrality in the orders which he issued. He deviated from his proper course in the wrong direction; he offered an insult to truth; and he paid homage to the most vicious falsehood. Is it not an insult to truth? To what religion is it that the offering was made? It was to Lingamism—to a religion which is polytheism in its worst form, which in its nature presents the most degrading, the most odious, the most polluted representation of the Supreme Being. It is to that doctrine, which more than any other is fundamental to everything in the Hindoo religion, and it is in violation of all those principles which we are taught to consider as the mainspring of Christianity. And what is this temple which my Lord Ellenborough means to restore? The hon. Gentleman who last spoke seemed to think that he had achieved a great victory when he made out that the offering was not made to Siva, but to Krishna. Krishna is the preserving deity, and Siva the destroying deity, and, as far as one can venture to express any preference for these false gods, I confess that my own tastes would lead me to admire rather the preserving than the destroying power. But the temple was consecrated to Siva, not to Krishna, and the hon. Gentleman must know what were the rites—what were the emblems of the worship of Siva—what were the dreadful scenes enacted in this very temple of

Somnauth. Why, in speaking in this House of those scenes, we are ashamed to describe things which the Governor-General is not ashamed by his proclamation to promote. Now this, I must say, is a great and serious wrong. Lord Ellenborough proposes the restoration of this temple, and I defy any one to put any other meaning on his words. Well, I have spoken of the moral consequences of this proclamation, and I will now come to the question of its political effects. On that point I agree in every syllable which has fallen from my right hon. Friend. I am convinced that the first effect of this will be, and I have strong reason to believe that that effect has already in some degree arisen, that amongst the Mahometans the most violent feelings of indignation will be excited. We know their feelings, and we know that by the Mahometans this will be thought one of the greatest outrages to their religion. We require for this proposition no better, and could have no stronger authority than that of Mr. Elphinstone. We know what have been the consequences, and what serious internal perils have arisen from former supposed outrages on the Mahometan religion. We need only remember the occurrences at Vellore and at Bangalore. In the first case outrages of an extraordinary description arose from a supposed disrespect being shown to the Mussulman turban; in the latter, similar scenes were enacted from some alleged disrespect to a Mussulman mosque. It is no light thing to commit such acts as this. I have reason to believe, and the house will agree with me that my belief is not without foundation—that there is a party of the Hindoos who look with great and eager joy at this proclamation, and the consequences which may be anticipated from it. They are elated with delight at this event, and they look upon it as a certain proof of the intention of the English Government to take them and their religion under its protection, and that some great victory of Brahma is about to be achieved. But does the Government mean to answer these expectations? Does the right hon. Baronet

opposite mean to adopt Brahminical principles in the government of India? If not, I say that these great hopes must be disappointed, and the disappointment, consequent upon the continuance of those principles by which the Government is now actuated, must inevitably be followed by resentment and anger. And I do not know whether I could apply to the question a fairer test than this; and I beg to call on the members of her Majesty's Government just to state to us what they mean to do about this part of the case. Do they mean to carry into effect the promises held out in the proclamation? Do they mean to authorize the Governor-General to restore the temple of Somnauth? Is the public revenue to be expended in creating a new place for the worship of the idols of the Hindoos—in erecting a new shrine for the exhibition of the revolting spectacles which have in former ages disgraced the locality of this temple—in hiring fresh hordes of dancing girls to do honour to the gods of idolatry. I have no possible doubt that Lord Ellenborough will receive, in some form or another, such an admonition as will prevent his incurring the odium consequent upon the adoption of such steps. What then will occur? The whole tide of popularity which has been gained by this proclamation among the Hindoos will be stopped—the Hindoc population, which will have been looking forward to this consummation of their hopes, will find that those hopes have been raised only to be disappointed. But, even if this be not so—if these effects be not produced—is it nothing, I ask, to have this continual turning and wavering in a government like that of India? This is not the only proclamation which Lord Ellenborough has put forth. He put forth another, which contained an announcement that Dost Mohammed was coming to his Durbar, and then, in another, he contradicted this statement. And to this is to be added this new proclamation put forth with great pomp, promising the chiefs and princes of India, that something is to be done which cannot be done, because the Governor-General is



opposed by the Government at home. By force of their superior authority he will be compelled to submit to the humiliating necessity of abandoning his promise. This, I say, is no light matter. It is a most serious thing to contemplate the feelings with which, so far as I can learn, the native population of India will be led to regard the noble Lord. We have had Governors-General of India of various stamps. Some Governors-General there have been who have been guilty of faults; some who have even committed crimes; the natives in some cases have hated the Governor-General, but now, for the first time, they have a Governor-General whom they laugh at. And how are we to blame the natives of India laughing at what is occurring under their own immediate observation; when all Europe, and all America are laughing too? Was there ever anything which more justly excited ridicule? And what is the defence which is set up? The hon. Gentleman opposite produces some turgid eastern papers, full of brilliant tropes and flowing figures, to show that this proclamation is couched in the terms in which documents in former times were sometimes couched by native princes. But is that a parallel case? May it not as well be said that it was fit that the noble Lord should allow his beard to grow down to his waist—that he should attire himself in the Eastern costume—that he should hang about his person jewels and glittering ornaments, and that he should ride through the streets of Calcutta upon a horse gaily caparisoned, and ornamented with jingling bells and glass beads, and all the showy paraphernalia of the native princes? When the natives see a nabob or a rajah indulge himself in these luxuries, they bow to him, and take the splendour of his appearance to be indicative, as it is, of his rank, his power, and his wealth; but if Sir Charles Metcalfe had so bedizened himself, I am inclined to think that it would have been concluded, and not without reason, that he was out of his wits. Depend upon it the natives are not such fools as they are taken for. It is a mistake to imagine that

they do not understand the respect which is due to the peculiar simplicity and solemnity of our habits and manners. The conviction exists in their minds between our appearance and our character, as between our white colour of skin and our superior education and powers of mind. And if this species of feeling were not sustained, to what ridiculous lengths we must go. Why, you do not suppose that the Governor-General should paint himself black surely, but even to this extent might the principle contended for be argued to extend. Why, it is by the association of ideas that their opinions of our great mental superiority, of our high morality, of the commanding powers of our minds, and of all those qualities which from the time of Lord Clive have made the English dominant over the country, are maintained. How is it that Lord Ellenborough seeks to maintain this high character which we have so long enjoyed? His plan of governing with success seems to have been that of turning himself as fast as he can into the various characters of Hindoo, Rajah, Mussulman, and omnipotent governor, and that alone supplies ample reason for his recall. But to turn to the words of this foolish proclamation. I say that it is neither English nor oriental. It bears no resemblance whatever to anything I have ever read of, which professed to be of the same character, nor of the hundreds of thousands of models to be found in the archives of the East India Company. It is not original either, and I will tell the House whence Lord Ellenborough borrowed it. It is an imitation of those trashy rants which proceeded from the proconsuls of France, in the time of the Directory during the French Revolution, and more especially of that address which was put forth at the time of the passage of the Po. It is exactly in the style of these productions, and my Lord Ellenborough could hardly be ignorant of them or their terms. There are, besides, some lines of Mr. Canning upon them, which that noble Lord could hardly fail to

know when he speaks of the invasion of Italy and the Justice of the agents of the Revolution. Mr. Canning says—

“Not she in British Courts that takes her stand,  
The cawdling balance dangling in her hand,  
Adjusting punishments to Fraud and Vice,  
With scrupulous quirks, and disquisition nice;  
But firm, erect, with keen reverted glance,  
The avenging Angel of regenerate France—  
Who visits ancient sins on modern times,  
And punishes the Pope for Cæsar's crimes.”

In the papers of Revolutionary France, the noble Lord found his models. But they had an excuse which was wanting to the proclamation of the noble Lord. The French Revolution had thrown down all good taste and judgment in writing, and all diplomatic and official places were filled by persons new to public affairs, who had scrambled into high situations—some of them possessing mere smatterings of college learning, others devoid of education, except such as they might have obtained by chance, and from seeing Talma at the theatres. But was it for the noble Lord to adopt these documents as precedents, he a Conservative Governor-General of India? If the noble Lord plead them, I think we may safely say that he has found it difficult to find any other. I do think, then, that in this proclamation we find matter for serious condemnation. If we go over all the statesmen who have governed India, we find none who have not committed very serious errors, and we find occasions on which the most important and most grievous mistakes were made. True it is that no statesman ever existed who did not commit some miscalculation. Lord Somers, Mr. Walpole, Mr. Pitt, and Lord Chatham had. Nobody would now deny that Mr. Pitt had miscalculated when he sent the expedition to Quiberon, but even then he had been guilty of no error like this; and all that could be said was, that though the miscalculations of those great men had been most serious and



pernicious to the country, still they were not such as to unfit them for the conduct of the greatest affairs. This proceeding of the Governor-General of India reminds me of the triumph of Caligula, who took his soldiers to the beach, and bid them fill their helmets with cockle shells, and then marched them and deposited the shells in the Capitol as trophies of his triumph over the ocean. That was a proof that Caligula was unfit to govern. So it is related of the Emperor Paul of Russia, who once ordered that men should not wear pantaloons; that they should not wear their hair combed over their foreheads; and that, finally, having ordered that no man should wear a round hat, an Englishman thought to outwit him by going into the streets in a hunting cap, when the emperor, unable to define the new covering for the head, issued an order that no man should appear in public with a round thing on his head, such as the English merchant wore. It might be well said that a man who put forth such a ukase as this was not a man capable of managing great affairs. With regard to this proclamation, I do not say that the noble Lord is not entitled to employ a new style. Did it never occur to him, however, to consider that it was probable that if this sort of style had any peculiar advantage, Warren Hastings, Sir Charles Metcalfe, and other Governors-General, men who were as familiar with the languages and the manners and the habits of India, as many hon. Members of this House are with the language and habits of France, would, in all probability, have employed it; and if it never occur to him I say—independently of his own high merit—that this original and striking mode of speaking to the people of India would have been just as likely, if not more so, to have been adopted by men of such attainments as I have described, if they thought it could be attended with any good results. But there is another reason why this proclamation is to be viewed with regret, because it affords a serious indication of the terms on which Lord Ellenborough stands with the officers of the civil service of the

East India Company—and especially with that eminent individual with whom I have the pleasure to be acquainted, whose name is attached to this notification. I will pawn my life, that Lord Ellenborough never asked that gentleman his opinion on the subject of this proclamation, or that, if he did, he gave an opinion adverse to it. No one in the Indian service will believe that the noble Lord ever applied to Mr. Maddocks. I am certain that no Governor-General who stood on the terms with the civil servants of the East India Company, on which Lord William Bentinck or Lord Auckland stood, would have looked to them in vain for aid. I am confident that if either of those noble Lords, in an unlucky moment—their minds enveloped in some mist—had proposed to publish such a proclamation, the gentleman to whom I have referred would have advised them not to issue it. The only possible explanation which can be given of the issuing of this proclamation, therefore, is, that the terms on which Lord Ellenborough stands with the Company's servants are such, that even the most eminent of those servants did not venture, even on the most important occasions, to offer him advice, however greatly he should be in want of it. I will now for one moment consider in what position it is that Lord Ellenborough is placed. Is the House aware, that even when the Governor-General is at Calcutta, surrounded by his council, his single voice can overbear that of the whole council in any case on which any executive measure is to be determined on? All that the other members of the council can do is to give him their opinions in writing, and to call upon him to write down his reasons for any adverse opinion at which he may arrive; and then, if he chooses, his single voice, whether the question involve the important considerations of war, peace, or finance, overbears all. The right hon. Baronet opposite is a powerful Minister—a Minister more powerful than any we have had for many years—but I venture to say, that his power over the people of this country, great as it is, and extensively as it is

exercised, is as nothing when compared with the extraordinary influence which a Governor-General can put in force over 90,000,000 or 100,000,000 of subjects of Britain. And this is his power when controlled by the presence of his council. But where is he now? He has given his council the slip—he is alone—he has not a single person with him who is entitled to advise him. If he had, there might be some hopes entertained that nothing like this would have happened. But, no; he is by himself. He is invested with the whole of the council. Of this you may be sure, that no Governor-General in this situation will ever have one word of advice, unless he so conduct himself as to show that he is willing to receive it; therefore, the danger and the risk of having a person in the position of Governor-General, who is disposed to place himself in a situation of solitude, at a distance up the country, are beyond all description. The interests constantly arising, and dependent on his sole command, are so vast, that words which would only soberly describe them, would sound like a gross exaggeration, and those powers are all vested in one man who has only been a few months in India and I can hardly think that my Lord Ellenborough can be said to have acted wisely, considering his short experience in India, in separating from all those who possessed knowledge and abilities, and had a right to advise him. We find other Governors General who have had long acquaintance with that part of the British dominion, carefully abstaining from adopting a course calculated to remove from them the means of obtaining advice. I cannot sit down without addressing myself to the Board of Directors of the East India Company, and I must express my sincere hope that considering the heavy responsibility which rests on them, they will not hesitate to recall Lord Ellenborough from his government. I do hope that they will take the advice in this respect of one who was an attached servant of the Company; who still possesses the greatest desire for their good, and would do every



thing in his power to see them placed in a safe and honourable position. But if they are placed in that position that they cannot or will not recall the noble Lord, then I trust that they will not hesitate to give him immediate instructions to return to his council. He has now no adviser who can raise his voice to secure him from the creation of new evils. I am sure that the next despatches to be received from India will be looked for by the Board of Directors as well as by the Government with the greatest anxiety. I say, send back the noble Lord to Calcutta. There, at least, will be those who will be entitled to speak to him with authority, and who, if I know anything of the members of council, will do so. It is something even to be required to record your reasons for everything you do—it is something to interpose a delay, though only of twenty-four hours, which is required in this case, between the conception of a project and the carrying of it out. I know that these checks are not sufficient in some cases, but they are something, and I do most earnestly implore the Directors to consider gravely the position in which they will stand, if they give up this most faithful and sincere council. I cannot help thinking that where a body such as the council exists—a body formed for the express purpose of checking the Governor-General in proceedings inconsistent with the interests of the empire of Great Britain in India, the powers of such a body ought not to be put in abeyance in the case of a man who, above all who have ever been sent to India in the capacity of Governor-General, most stands in need of such assistance and restraint as the council are able and bound to afford.

## THE TREATY OF WASHINGTON.\*

MARCH 21, 1843.

I HOPE, Sir, I shall find credit with the House when I state, with all earnestness, that the few observations which in the discharge of my duty to my country I feel bound to offer on this occasion, are in no respect dictated by any feelings of either national or personal animosity. The feeling of national animosity is in all cases odious, but such animosity on the part of Englishmen towards the people of the United States, may justly be termed unnatural. Whatever intercourse I have had with the citizens of the United States has been uniformly an interchange of courtesies and kind offices; and as a public man, and as an Englishman, I can think of that great community only as one composed of persons whose veins are full of our blood, whose minds are nourished by our literature, and whose most valuable institutions are derived from our own. As a public man, again, I cannot but reflect that while peace is in all quarters the greatest of blessings, while war in any part of the world must be regarded as one of the greatest of public calamities, a war with the United States would be of all the calamities that could befall this country the most disastrous, for it would unite with all the horrors of foreign war many of the peculiar enormities of civil conflict; it would interrupt that salutary connexion which exists between the two countries; it would produce frightful disturbance of trade; it would involve in extensive ruin private families; and it would obstruct to a greater extent than any other event I can well con-

\* Hansard, 3d Series, vol. lxvii. p. 1252-1267

ceive, the great interests of humanity and civilization. Having protested that towards the United States I entertain no feeling of ill-will, I can with equal truth make the same declaration with respect to the noble individual whose conduct is peculiarly under discussion; and I cannot easily conceive, from anything I have seen or heard, that Lord Ashburton can, in this House or elsewhere, have any personal enemy. I readily and cordially admit the extent of his information; and I sincerely admire those eminent abilities which I have seen displayed in this House with great profit and advantage to the public, and from which I have myself derived pleasure and instruction. I readily admit his integrity, and his many amiable qualities; and if in anything I may say, I should, with reference to that noble Lord, exceed the limits of the strictest decorum, or the rules of Parliamentary debate, I can only say with regard to anything I may so utter, that I beforehand wish it unsaid. But his Lordship knows, and those connected with him know, that it is the duty of public men to scrutinize most strictly the conduct of the responsible servants of the Crown; and they know that on no occasion could it be more important to do so, than with reference to the subject now under discussion. Indeed, after the declaration which has been made by the right hon. Baronet (Sir R. Peel), it is more important to scrutinize the conduct of the Government with respect to this question than at first sight appeared necessary. The right hon. Baronet takes upon himself, and upon the Government of which he is the head, the entire and complete responsibility of the matter and manner of this important negotiation. Now this negotiation is not only important in itself, on account of the interests at stake, but in another point of view it is of great importance. It is the first great negotiation which since the last change of Ministry has been concluded between England and any foreign power. Coming into office after exclusion from power, with a short interval, for, I think, upwards of ten years, the Members of the present Govern-



ment found that our relations with the United States presented one of the most important subjects to which their attention could be directed. They considered the subject, they state, with extreme attention; they selected, with the greatest care, a negotiator for the purpose of carrying their views into effect; they approve, in every respect, of his conduct. The fruits of this negotiation lie before us; and we must consider ourselves as inquiring, not merely whether this treaty is a just and proper one—not merely whether this correspondence be honourable to the abilities and public spirit of Lord Ashburton—but, seeing how probable it is that the present Government will for a considerable time retain their position in power—whether their policy be pacific in truth, or pacific only in show, and whether, on the system they seem at present inclined to pursue, it is probable that the honour and interests of this country are likely to be promoted—I shall commence by making a concession which I think the right hon. Baronet opposite will admit to be a large one, and for making which, I fear, the noble Lord near me (Lord Palmerston) may consider that I merit some degree of blame. Though I am firmly convinced, that if this question were tried as a mere matter of right, we have, with regard to the boundary, clearly ceded too much; though I think we have ceded not only that which we had a right to keep, but that which it would in many respects have been advantageous to us to have retained; though I think the negotiations, in many of the points mentioned by my noble Friend, have been on that subject most unskilfully conducted; yet I feel, and I have always felt, most strongly the immense importance of arriving at a settlement of this question. I have always felt that when a subject has been agitated during so many years—when it has excited so much exasperation—when, on both sides, there is so firm a conviction of the justice of their respective claims—something must be sacrificed. It is necessary, I admit, under such circumstances, that a compromise should be made, I

cannot better express my opinion on this subject than by adopting the language of the hon. Member for Halifax at the beginning of the present Session :—

“I am ready to admit (my hon. Friend said), that if the causes of difference between the two countries are fairly adjusted, if the arrangements are such as to close the present, and preclude future causes of dispute, I am not one of those who would attach much importance to a few square miles of territory more or less ; but then I must have a distinct assurance that those causes of difference have actually been removed.”

The conditions, however, which I think myself entitled to demand, when we have been ceding what the right hon. Baronet opposite admits, if I understand him, to be our right, are these three :—First, that the dignity and honour of this country shall be in no respect compromised by the manner in which the arrangement shall be made. To that condition, if I correctly understand the right hon. Baronet, he will, I doubt not, give his assent. The second condition I must require is, that the treaty purchased by this sacrifice of our rights shall be a treaty which either removes all cause of difference, or if it does not effect that, at least does not place us with regard to any of them in a decidedly worse position than that in which we stood before the treaty was concluded ; and lastly, I am entitled to demand that ~~the~~ treaty shall be one which has produced on both sides kindly and cordial feelings, and which has rendered the recurrence of any difficulties such as those which preceded it in the highest degree improbable. I regret to say that I entertain very grave doubts—I may say more than doubts—whether the negotiations, and the treaty which has resulted from them, will be found to fulfil these conditions. First, then, as to the question of national honour. I may say that it is impossible to read through this correspondence, to compare the letters, without exception, of the English Plenipotentiary with those which emanated from the American secretary, without being struck with a certain humble, caressing,

wheeling tone which pervades them, and which seems to me utterly inconsistent with the dignity of the office which Lord Ashburton occupied. Many cases, which I could cite, occur to me; some of them—indeed most of them—appear slight at the first glance; but as Lord Bacon says,

“A straw will serve to show you which way the wind blows.”

I think it was highly improper on the part of Lord Ashburton to state to the government of the United States, as a reason why he should be especially trusted by them, and why they should act with more confidence and cordiality towards him, that he had opposed the last war with America. I think that was not the course an English Ambassador ought to have pursued. I disapprove of that war; it occurred before my time; but as far as I have obtained information on the subject, I think that those who joined Lord Ashburton in opposing that war acted a wise and patriotic part. But I conceive that when a person receives the Queen's command to go forth as her representative, he is in that capacity the organ of the Government, and he is not entitled to ask the favour and confidence of the power to which he is accredited on the ground that his opinion is opposed to the line of conduct which has been pursued by his Government and by his Sovereign, that conduct having been sanctioned and supported by the voice of the Houses of Lords and Commons. Can any hon. Gentleman furnish me with a diplomatic precedent for such conduct? I remember none, although I confess my own diplomatic studies have not been so extensive as I could wish. I do remember, however, the negotiations of 1806, and if Mr. Fox had chosen to do so, he might then have made a merit with the French Government of his constant and determined opposition to the war with France. He might have said in his letter to Talleyrand, “I have been the firm opponent of war. When every one was clamouring for war against France, and when the Oppo-



sition dwindled down to thirty or forty Members, I cried, 'Peace, peace, peace!' " But Mr. Fox—the greatest diplomatist, Lord Grenville said, who ever lived—knew too well what pertained to his duty as a public man, and never by one word did he repudiate or disclaim any act of his predecessors, or make any distinction between himself and Mr. Pitt. In this correspondence, however, Lord Ashburton expresses his strong disapproval of the last war. I will take one document of some importance; and I shall be surprised if I do not satisfy the House that a stain has been inflicted on the character of this country such as it will be very difficult to parallel in the whole history of diplomacy. With respect to the Madawaska settlement, Lord Ashburton says:—

"The history and circumstances of this settlement are well known to you. It was originally forced from the French establishments in Acadie, and has been uninterruptedly under French or British dominion, and never under any other laws. The inhabitants have professed great apprehensions of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen, deprecating that being done. Further, this settlement forms one united community, all connected together, and living some on one and some on the other side of the river, which forms a sort of high road between them. It seems self-evident that no more inconvenient line of boundary could well be drawn than one which divides in two an existing municipality—inconvenient as well to the inhabitants themselves as to the authorities under which they are to live. There would be evident hardship, I might say cruelty, in separating this now happy and contented village."

Now, I will put it to the House, can any obligation be stronger than that which lies on a Sovereign to keep under his Government—except where he is bound by justice, or compelled by overpowering force, to cede a territory—all those subjects who are attached to his sway? The cession of a territory, the inhabitants of which implore you to retain them under your Government, is the very last calamity which conquest brings on a nation. The answer returned to this communication by the United States

Government is in a very different tone. Indeed, the whole tone of the correspondence on the part of the United States is firm, resolute, vigilant, and unyielding; but I must do them the justice to say, that except in this single instance, there is no case in which offence can be justly taken.

In this case I cannot acquit the Secretary of the United States of having offered something in the nature of a serious affront—I hope it was not intentional—to the English Government. The Secretary of the United States informs Lord Ashburton, in his reply to the noble Lord's letter, that he

“Forbears from going into the consideration of the mass of other arguments and proofs, for the same reasons which restrain your Lordship from entering into an extended discussion of the question, as well as because your Lordship will have an opportunity of perusing a paper, addressed to me by the commissioners of Maine, which strongly presents the subject, on other grounds, and in other lights.”

I think that, under the circumstances, I am entitled to say, that Mr. Webster adopts the opinions expressed by the Maine commissioners. He says distinctly that he will not enter into the arguments urged by Lord Ashburton, because he sends him a paper drawn up by the commissioners of Maine, which presents the question in a strong point of view. Now, see in what manner the Maine commissioners address themselves to Lord Ashburton's argument about the feeling of the people of Madawaska. They pronounce an invective on the tyranny which they allege England has exercised towards that very people. They say,

“The hard lot and sufferings of these people and of their fathers, give them a claim to our sympathies. The atrocious cruelties practised upon their ancestors are matters of history. The appalling details of them are among their traditions. The fathers and mothers have taught them to their children. When fleeing from their oppressors in 1785, they settled down in the wilderness of Madawaska, they believed and understood themselves to be within the limits and jurisdiction of the United States, a

people of whom France had been the friend and ally in the war which had just terminated in their independence, and who was still the friend and ally of France in peace. Their history since that period has lost little of its interest. Too few in number, too weak in resources, too remote to expect or receive aid, they submitted to whatever master assumed authority over them. With a knowledge of their history, and the wrongs they and their ancestors have suffered, it will be difficult for the people of Maine to bring themselves into the belief that these people are opposed to living under the mild and gentle sway of our free institutions. It will be equally difficult for the people of Maine to satisfy themselves that it is only from a lively and disinterested sympathy for these poor Frenchmen that the Government of Great Britain is so solicitous to retain possession of the south bank of the St. John, extending from the due north line more than fifty miles up to Fish River."

This is the paper transmitted by Mr. Webster to Lord Ashburton, in answer to his Lordship's earnest appeal in behalf of the people of Madawaska! It avers distinctly that the British Government had alienated the people of Madawaska by its cruel conduct towards them, and insinuates broadly that Lord Ashburton's declared sympathy for them was nothing but hypocrisy. I venture to say, that if any such paper had been addressed by Lord Ashburton to Mr. Webster, a sharp reply would instantly have been returned to it. Any one who looks at the whole of this correspondence, cannot fail to observe a marked contrast between the tone of the representatives of the two Governments. What was Lord Ashburton's reply to the passage which I have read? Nothing but an expression of profound respect for the gentlemen of Maine. His Lordship says, in his next Letter to Mr. Webster :—

"If the observations contained in my note of the 13th ultimo have given rise to these consequences, I much regret it; and I would now pass over all these more than useless discussions, and proceed at once to notice the proposals you make, if I were not apprehensive that my so doing might be construed into some want of respect for the parties from whom these observations have proceeded."



Then comes an observation respecting the people of Madawaska :

“It is sufficiently explained in my plan for a settlement, why I was anxious not to divide, in two parts, by our new line of boundary, the Madawaska settlements; and I am sorry to say, that the information I have since received, both as to local circumstances and the anxiety of the people themselves, tends strongly to confirm my impressions.”

That is to say, as he had said at first, that it would be a cruel act—that it would be “an evident hardship,” to separate these people; that he should consider such a separation, by placing them under separate laws and Governments,” a most harsh proceeding”—that it would be making aliens of a people who wished to remain under the protection of the British Crown; but still—the noble Lord in effect goes on to say—but still, as the commissioners of Maine say, that it is hypocrisy in the British Government to say that these people wish to remain under our protection, you may take them. That is what Lord Ashburton says. And then Lord Ashburton puts the matter on the ground of humanity, and says,—

“I had hoped that the other equivalents which I had offered, combined with the sense entertained by the government of the United States of the pressing importance of the case, on the ground of humanity, would have been sufficient for the purpose I so anxiously desired; but perceiving from your note, as well as from personal conversation, that concession on this point is insisted upon, I might be disposed to consider, whether my anxious desire to arrive at a friendly settlement would not justify me in yielding, however reluctantly, if the latter part of your proposals did not, if finally persevered in, forbid all hope of any settlement whatever.”

This was the miserable result. After being insulted by the commissioners of Maine, and told that the English Government was guilty of nothing but hypocrisy in pretending to feel any anxiety for the people of Madawaska, Lord Ashburton quietly gives them up! Now, if it was necessary to give these people up, was it necessary for the English Government to degrade itself by going

to another government, and asking to be permitted to retain sovereignty over them, on the ground of humanity? Why should the Queen of England ask leave to retain control over her subjects on the ground of humanity? I can conceive only two grounds on which her Majesty's Government could be justified in resorting to the plea of humanity. If the United States had a clear right to the territory, we might with propriety have begged them to forego their claim on the score of humanity. Again, we might have had recourse to the same plea if we had suffered some terrible reverse in war, as we know that after the battle of Jena the Queen of Prussia almost went down on her knees, in order to obtain the single town of Magdeburgh; but, I ask, was there anything in the relations subsisting between England and the United States to make it imperative on us to say, "We have a right to these people; they are clinging to us for protection, we wish to retain them under our Sovereign's Government; pray, for the sake of humanity, let us do so." If the thing was to be done, if the Government had, after all, made up its mind to sacrifice them, why exhibit itself before all the world in the degrading position of a suppliant to the United States on the score of humanity. Most part of these negotiations were carried on generally at conferences and discussions; very little of it was conducted by means of writing. One of the most important articles in the treaty is the 8th, which appears to have been negotiated without a single line of correspondence having passed between Lord Ashburton and Mr. Webster. Now, if it was necessary that this country should submit to the disgrace which I maintain is involved in the Madawaska transaction, why was not that also decided by oral negotiation? Why was our humiliation paraded before all the world in this correspondence? Far be it from me to recommend anything like a contumelious policy towards other nations—far be it from me to advocate the adoption of a bullying policy; but I do say that the self-respect which exacts from nations, with

whom we are treating—courteous conduct, is essential to the independence and security of a nation. There is a distinction between bravado and the adoption of a high tone becoming the position and character of a great nation. I have said that the correspondence on the Table exhibits a marked difference in the tone of the negotiation of Great Britain and the United States. Mr Webster writes on this subject—

“Your Lordship’s observations, upon the propriety of preserving the unity of the Madawaska settlement, are in a great measure just, and altogether founded, I doubt not, in entirely good motives. They savour of humanity and a kind regard to the interests and feelings of individuals. But the difficulties seem insuperable.”

Well then, can any human being say, that our honour was not concerned in preserving to the British Crown this territory of Madawaska, the settlers upon it being anxiously desirous to remain under our sway. Observe, too, the tone in which Mr. Webster receives even the mildest and gentlest remonstrance on the part of Lord Ashburton. Lord Ashburton had ventured to express a doubt in the correspondence relative to the *Caroline*, whether, in a particular instance, the American government would possess sufficient control over its subjects in their conduct towards other states—a very natural doubt, considering what has happened in late years. Mr. Webster, however, did not suffer the observation to pass for a moment without replying to it, and he declared—

“It is for the Congress of the United States, whose attention has been called to the subject, to say what further provisions ought to be made to expedite proceedings in such cases; and in answer to your Lordship’s questions, towards the close of your note, I have to say that the government of the United States holds itself, not only fully disposed, but fully competent to carry into practice every principle which it avows or acknowledges, and to fulfil every duty and obligation which it owes to foreign governments, their citizens, or subjects.”

I ask any one to compare the letters of Lord Ashburton and of



Mr. Webster from the beginning to the end of the correspondence, and to declare whether an entirely different spirit does not pervade every sentence of them. I think, therefore, that I have made out some ground at least on which to support the first point which I proposed to establish, and that there is grave reason to doubt whether the dignity of the country has not been grievously compromised in this negotiation. The negotiation, I must observe, far from settling all the points in dispute between the two countries, has placed some of them in a worse position than that in which they previously stood. At this late hour I will confine myself to only one of these points. I undertake to prove that, with respect to that most important point of dispute between the two nations, the right of visit, the treaty of Washington has placed us on a worse footing than we stood on before. The right of visit has, it is well known, excited a strong feeling in the United States, and the right hon. Baronet opposite has declared that the British Government will not abandon it. Now I wish to understand from the Gentlemen opposite, what construction they put upon the words of the eighth article of the treaty? It runs thus:—

“The parties mutually stipulate, that each shall prepare, equip, and maintain in service on the coast of Africa a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade: the said squadrons to be independent of each other, but the two governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such articles to be communicated by each government to the other respectively.”

Does that article mean that we have ceded the right of visit or not? The right hon. Baronet has told us distinctly that it does

not; but in what sense is that article received in the United States? The right hon. Baronet, if I understood him aright, took some exception to the reference which has been made to the conduct of the American senate with reference to this question, and said that the president was the only executive organ. I contend that the senate is a portion of the executive power. Gentlemen must be aware that by the constitution of the United States, the consent of the senate is as necessary to make a treaty binding on America as the ratification of the Sovereign in this country. Now I hold in my hand the report of a speech delivered by Mr. Rives, the senator for Virginia, and chairman of the committee of foreign relations to which the treaty of Washington was referred, and upon the report of which it was ratified. Mr. Rives, in referring to the eighth article, said, that under that, each power is to act separately and independently of the other, and neither power would be at liberty to visit the vessels of the other. I say that the eighth article is, in fact, so much waste paper; for it has been received in one sense in America and in another in London. Her Majesty has ratified the treaty in the sense that it does not abandon the right of visit, and the American president has ratified it in the sense that it does. Did any one ever hear of such a mode of settling long-disputed questions between two countries, and laying the foundation of long-continued amity? It would be bad enough if the matter were to stop here for the present, and we should hear nothing of the results for four or five years; but the very hand which has sown the seeds of dissension has also provided for their immediate fructification. It is provided that each country shall send a squadron, to enforce separately and respectively the laws, rights, and obligations of each, and it is intended these squadrons are to act with a view to obtain the same end. How? Why, by one having instructions to enforce the right of search, and by the other having instructions to resist it. Was there ever such a device for bringing two nations into

collision? Here are two squadrons, commanded by high-spirited officers, and manned by gallant crews—the one being instructed to do that which the other is told to consider an outrage on their flag. No device could have been more elaborately and ingeniously contrived to destroy the chance of maintaining pacific relations between the two countries. It is a curious circumstance that this article, so important in itself, and so strangely framed, is one respecting which not a single line of explanation is to be found in the correspondence—everything respecting it would seem to have passed in conversation. Which of the two suppositions am I to adopt? Am I to suppose that Lord Ashburton, not intending to abandon the right of visit, yet in conversation with Mr. Webster inadvertently let fall some expressions which induced that gentleman to believe that he did abandon it. [Sir R. Peel: No.] I accept the right hon. Baronet's denial; but then, look at the other horn of the dilemma. How came it into the head of Mr. Webster, within a week of the signature of the treaty, to inform the committee of Foreign Affairs of the Senate that we had given up the right of visit?—and how came it into the head of the American President to make the same declaration? I am unwilling to attribute this apparent misapprehension to intention or misrepresentation on the part of the American authorities. Perhaps it is better to suppose that Lord Ashburton, in his conference with Mr. Webster, allowed his speech to get the better of him. I have sometimes observed that that able and ingenious man, when on the floor of this House, allowed his speech to get the mastery of him, and so has given utterance to words which he had not well weighed before, nor could accurately remember after. To suppose that the government of the United States should, before the ink of the treaty was yet dry, have committed an act of state craft such as its conduct if insincere would be, is to imagine a proceeding which could not be accurately described in very mild terms. However, the first proof we have of the



amicable effects of the treaty of Washington is, that on the first day of the Session, the Prime Minister of England is obliged to rise in the House of Commons and contradict what the American president had stated about the eighth article. This is not a symptom betokening the existence of that state of amity which we have been brought to expect would be the result of the treaty. I cannot help referring to another point, I allude to the bill introduced into the Senate respecting the Oregon territory. That such a bill should have been carried by a majority, is sufficiently indicative of the state of feeling in America towards this country. It should be borne in mind, that the senate is not dependent for its existence on the popular will; it is elected, not by a democratic body, and endures for six years. It is a body which comprises amongst its members a large proportion of the men of the greatest weight and most distinguished for their ability in the United States. When such a bill as that about the Oregon territory can find supporters in such an assembly, it shows the state of public feeling which has sprung up in America from the Washington Treaty. One other matter connected with this view of the question I may refer to. It was, it must be admitted, sufficiently ungracious conduct on the part of the American minister at Paris, General Cass, to interfere to prevent France from joining in the treaty of the five powers on the subject of the right of search. But was it necessary that, in the very first speech which the American President made after the signing of the treaty of Washington, he should take credit for having, in that respect, frustrated the policy of England? This is another proof of the amity which has sprung up from the Treaty of Washington. Look again at the language used in the Senate—not only the language of those who entertained strong feelings against England, but of Mr. Calhoun, who was always supposed to be favourable to this country. What did he say, when speaking on the right of visit? He said, that if England put any other interpretation on

the treaty than that in which it was construed in America, she must "do it at her peril." Does this look like a pacific result? The right hon. Baronet tells us that he has not abandoned one particle of his position, and he will not, of course, now disgrace the country by receding. The noble Lord had spent eight or nine months in arranging a treaty which is to secure peace and friendship, and what is the result? Are not the symptoms of pugnacity still greater than they were before? And is not this the natural result of the course which has been pursued? What other effect could be hoped for? How can any nation respect a Government which has ceased to respect itself? I said before, and I now repeat, that, instead of procuring for us the blessings and advantages of peace, the course pursued has every tendency to plunge us speedily into a war with America; and it is because of the strong sense which I entertain of the advantages of peace, and because I feel that the policy indicated in the papers before the House is not calculated to insure peace, that I now express those sentiments. It will not do for this country at one moment to take certain steps in the cause of humanity, and shortly after to retrace them when resisted by other nations. The moment we abdicate any one object because of the resistance of another power, England loses the high place which she holds amongst the nations, and then every other power will be increasing in its demands for fresh exactions. What do we see daily in the French papers? They have taken the tone from this circumstance, and are constantly referring to the example of America as one to be followed. They say, only let M. Guizot bully the English as the American President has done, and France would soon triumph over the arrogant pretensions of the haughty islanders. Everything in the country conspires to make it an object of general envy with other nations. Its great power, its immense wealth, its extensive empire, its flag floating in every sea, all contribute to that effect. It is easy to talk of the treaty of July, and to

attribute the feeling of hostility to that, but it is well known, everybody knows, that even the powers who are parties to that treaty, entertain a feeling of envy towards this country. Under these circumstances, I am satisfied that if you suffer yourselves to be treated with anything like contempt by other nations—if you allow any doubt to arise as to the spirit with which you are prepared to maintain the interests of this country in your dealings with the other powers of the world—if you allow it once to be thought that the higher the ground taken by others the lower will be your tone, and the more submissive you will become—if you allow these impressions to go abroad, founded upon your public intercourse with any one nation, then I am satisfied, I say, that you will soon have to contend with more than one enemy for your place among the nations of the world. I do not say that these are maxims which can be used by every Government. I do not say that there may not be some petty principality or some insignificant republic to which they would not apply, that there may not be some Duke of Lucca or some republic of Geneva that might not find it safe to adopt them; but I say that that is not the state of our country; that she has been too great ever to find her safety in humble littleness. If she cannot find safety in her firmness and her dignity, England can never find it in subserviency and shame. These are my charges against this treaty. Allowing, in the first instance, that the boundary line is not the only direct source of censure, I say that the negotiation generally has been conducted in such a manner as to lower the character of this country. And secondly, I say that the negotiation has been so conducted, and the treaty has been so framed, that it has left one of the most serious causes of irritation more inflamed than before. I say, that one article of the treaty has been ratified in one sense at Washington and in another sense in London. I say, that you are both sending your squadrons to meet each other under circumstances in which they can be scarcely friendly. I see no symptoms leading



me to believe that the effect of all your humiliation has been to obtain any kind feeling, any esteem, any respect from the United States. On the contrary, as far as I can judge the disposition on the part of public men in the United States, I think they seem to believe that that power has nothing to do but to take a very high and resolute tone in order to obtain whatever it may wish. I think, too, I can see in the feeling of the other powers of the world towards you the effect of what you have done with the United States. I think I can see on their part a belief that they advantageously profit by adopting the example set them by the United States. And I conceive, therefore, that this policy of yours, though professedly pacific—and which, as far as your intentions and those of Lord Ashburton went, was so—is more likely than any other policy ever adopted by any Government of this country to bring on before long some most fearful and devastating war.

## STATE OF IRELAND.\*

JULY 7. 1843.

MR. Speaker, the right hon. Gentleman [Mr. Shaw] who has just sat down commenced his speech in language presenting, I think, a somewhat singular contrast to its close. He began by saying, that he conceived it a sufficient reason for voting against the motion that he should thereby imply a want of confidence in the Ministers; and he closed his speech by declaring, in language not to be misunderstood, his own want of confidence in them. And in truth I have seldom heard a Government less efficiently defended in debate (I speak of this evening), for every Gentleman who has addressed himself to the question before us, whether on the right or the left, Sir, seems to me to have directed his attack—though not always has it been upon the same ground—against the policy pursued by the present Administration. I say, every Gentleman who has addressed himself to the question, for the speech of the hon. Member for Belfast was merely a speech against the Repeal of the Union. The noble Lord, Sir, the Chief Secretary for Ireland used an expression much resembling that with which the right hon. Gentleman the Member for Dublin University commenced his speech. He said, this motion must be considered as a motion of censure on the Government. I confess that on some grounds it must be so considered. I do not think it the only object—that of throwing censure on the present advisers of the Crown; but although it is not the principal object of those who

\* Hansard, 3d Series, vol lxx. p. 793-809

support the motion, I cannot consider it as a reason against our supporting it, that it does by implication throw a censure on her Majesty's present advisers. For I am come, Sir, to this deliberate opinion, that to their conduct in opposition, and to their conduct since they came into office, we do really owe in a great measure the difficulties with which we have now to contend; and it is also my opinion, that since those difficulties arose they have not shown any disposition to meet them with wisdom and with justice; and, finally, that so far as I can judge from the declarations they have made respecting the policy that was expected from them, we have to anticipate calamities even worse than those which they have already encountered. I am justified, Sir, in saying, that the present state of things which so justly alarms all men of all parties is, to a great extent, to be attributed to the part they pursued before and since they gained the reins of power. Sir, it is impossible for us not to remember that two years ago the repeal agitation did not exist; that from 1835 to 1841 the agitation for repeal did not exist in any formidable form; that during the whole administration of Lord Normanby and of Lord Fortescue, Ireland was in a situation in which I firmly believe the present Ministry would gladly see it again; that whatever expressions may have been used by Mr. O'Connell—a very able speaker certainly, but not the most consistent speaker—not a speaker from whom the expressions that drop one month can be deemed any indication of what he may utter the next—whatever, I say, the expressions made use of by Mr. O'Connell in addressing large crowds, the fact undoubtedly is, that in the years during which Lords Normanby and Fortescue administered the Government of Ireland, that country presented a most marked contrast to its present position; nay more, I have upon this subject the distinct admission of the right hon. Baronet at the head of the Government himself, that there is something in his position and in the character of the party of which he is the head which places his Government in Ireland under peculiar diffi



culties. We cannot have forgotten that in 1839 the right hon. Baronet declared that the difficulty which he felt principally stood in his way, when at that time called to power, was Ireland. It was not the colonies—it was not the foreign affairs—it was not the finances—no! But, said the right hon. Baronet, “I will be frank. I will not attempt to disguise that the main difficulty of my position is Ireland.” The right hon. Baronet judged rightly. Undoubtedly it was so, and it is so; and why was it so? and why is it so? The right hon. Baronet felt it then; he had still stronger reason to feel it now. What was it? Was it not because in that party, of which the right hon. Baronet is the head, was to be found every person who had made himself justly obnoxious to the people of Ireland? Was it not because in that party every man was to be found who had always been—as far back as memory could go—on the side of the few against the many? Was it not that in that party every man was to be found whose peculiar delight had been in the contemplation of such parts of Irish history as showed the traces of severity—perhaps severity that could not be contemplated without pain; and that spoke of victories that should have been followed by no triumph? Was there not to be found in that party every man whose favourite toast and tune was something odious to the great body of the Irish people? Was there not to be found in that party every man who had been obstinately opposed to Catholic emancipation? or who had been among the last lingering yielders of slow, reluctant, ungenerous concession? When at last public danger rendered it impossible to hold out any longer, was there not to be found in that party every man who did his utmost when emancipation had been yielded, to prevent its being carried into effect? every body who cried out against the first appointment of an Irish Catholic Privy Councillor—every body who exclaimed against the appointment of a Catholic Secretary to the Admiralty or a Lord of the Treasury? Was there not to be found in that party every creature who let loose his virulent tongue to call the

Irish Catholic preachers "priests of Baal?"—every scribbler who termed them "surpliced ruffians?" Was there, in fact, a single one of those whose efforts had long been directed to rousing up against himself and his party the aversion of the Irish people, who was not to be found among those who followed the right hon. Baronet and raised him to power? And the right hon. Baronet must have known the feelings of the people of Ireland. He must have known that however cautious, careful, and correct his own language and proceedings may have been, he stood at the head of a party which had long wantonly outraged the feelings of the Irish people and must be obnoxious to them. Well, Sir, such was the position of the right hon. Baronet in 1839. Circumstances occurred which kept him from power for two years longer, yet many signs and symptoms seemed clearly to show that he, and the party of which he is the head—as his abilities unquestionably entitle him to be—would probably, at no distant day, occupy their present position; and I should have conceived that any wise men and any patriotic men—nor is the right hon. Baronet destitute of wisdom or patriotism—I should have thought that, under such circumstances, any wise men, and any prudent men, and any patriotic men, having a strong sense of the difficulties that lay in the way of their administration of affairs in Ireland, through the hostile feelings that had been roused against them by their friends, would have employed the remainder of their time on this side of the House, and have done their best to conciliate the attachment of the Irish people. Instead of that, the noble Lord the Member for North Lancashire, who then acted with the right hon. Baronet, now a Member of the Cabinet, in the next year introduced his bill for disfranchising the Irish people under pretence of registering their votes. It is hardly necessary for me, Sir, to say anything of that bill, after what has been done with it by its authors themselves; but at the same time it is impossible not to look upon the history of that year and the following one, as to the position of the party now in power

respecting Ireland, and above all comparing it with their professions, their declarations, and their protestations. The noble Lord asked the Government if they mean to bring in a measure to correct the evils of the registration system in Ireland? He declared the evil pressing—the morality of Ireland endangered! Are you not, the noble Lord impatiently said, prepared to avert the danger? to meet the evil? The answer of the Government was, that they were not at present prepared to bring in any such measure; then, I said, the noble Lord will bring in a bill. The bill was brought in, but it was no sooner examined, than it was condemned by almost every Member for an Irish constituency. All, with one voice, declared it to be, though called a measure of registration, a measure of disfranchisement. Unjust and odious as it was, however—offensive as it was to the pride and keen sense of wrong of the Irish people, the bill was pressed forward night after night. I never saw, or heard, debates carried on in so vehement and contentious a spirit. I have never known a minority (it became soon a majority) so well trained and disciplined. My hon. Friend, the Member for Halifax, tried to throw an impediment in their way. He said, “Do not legislate for the Irish voters till you **have** legislated for the English.” He made a motion to that effect. “No,” said the noble Lord (Lord Stanley), “the cases are not parallel; there are no evils of this kind in England, they are not to be met with except in Ireland—there they are so rank that they must be put down—delay would be too dangerous; you cannot—must not, wait for English legislation. Public morality is endangered—perjury is the prevailing practice. This is not a mere question of details, of registration, or revising barristers; a great Stat crisis is here—a great principle is at stake;” and the noble Lord forced on his measure. He overruled the motion of my hon. Friend the Member for Halifax. He was determined to carry it before the English measure on the subject was brought in. The bill, however, did not pass in that Session, and in the ensuing



Session the noble Lord came down again with his favourite measure. The Government interposed, and said they thought it premature to legislate with respect to the registration of electors till they had defined the franchise. Again the noble Lord said, "No! it was not necessary to define the franchise;" and again the noble Lord pressed on his disfranchisement bill, as it was justly called. Well, the plan prospered; the delusion—not the first of unfounded delusions—prevailed; the noble Lord succeeded—he and his party are in power; two years have elapsed, and this great moral evil is yet unabated! We now hear nothing of "perjury;" nothing about those enormous frauds of the people of Ireland, which had long been polluting the Legislature! We ask, "Where is the bill?" We are told, "The Government desire first to settle the English franchise." We agree in the propriety of that; but why was it not assented to by the party opposite when we proposed it? Then, again, we are now told, forsooth, that "when the measure is looked into, it is found to be a measure of disfranchisement." True. But were you not told so before? Was it not proved to you over and over again, and that in the clearest manner? We are now told that we are to have a Registration Bill, with a franchise defined, based upon the poor-rate. [Lord *Stanley*: the franchise was not defined.] It was, at least, an alteration of the Reform Act. The right hon. Baronet (Sir J. Graham) said, he was pledged to William 4th, or somebody else, not to alter the Reform Act; yet he voted in favour of a bill ostensibly to regulate the registration of voters in Ireland, but which absolutely altered the Reform Act in its spirit and efficacy, and placed the franchise on an entirely new basis. The right hon. Baronet and his friends now speak of the responsibility of office; but has an opposition no responsibilities? Have men who have ruined the country whilst sitting on this side of the House, no responsibility when they go over to the other. An opposition, Sir, has responsibilities; and I should blush if I did not show, in my own conduct, that I am not

unmindful of them. But the noble Lord, as soon as he finds the responsibility of Government lie at his own door, will not venture to do an act which, from its great unpopularity, when he was in opposition, he attempted with no other object than to obstruct the Government of the day. By all these and similar means, you (addressing the Ministers) were raised to power, and do you suppose there is to be no reckoning for such conduct? Happily, yes. As political as well as private probity is the best policy, your time of retribution was to come, and by the course you then took, a deep distrust was generated in the minds of the Irish people. I was surprised that it did not come sooner, for undoubtedly, from whatever cause it arose, there was a lull, and a doubt how you would act. A notion got abroad that something great was to be expected from the Administration, but the very mode in which the right hon. Baronet formed his Irish Ministry, showed on what principles the Government of that country was to be conducted, and upon those principles it has been conducted ever since. After the lectures he formerly read to us on the inconvenience of open questions and discordances in the Cabinet, I own I was surprised at the formation of his Irish Administration. He told us over and over again formerly of the evils resulting from joining in the same Government individuals whose opinions were decidedly hostile; but what did he do when he came to form his Irish Ministry? With regard to a Secretary, I am bound to say that he made the very best choice in his power; but one thing made me wonder, and that was the manner in which the right hon. Baronet dwelt upon the excellence of that appointment, for he made it appear the peculiar and eminent fitness of the noble Lord (Lord Eliot) arose out of the votes he had given against the right hon. Baronet. This was rather a curious ground for a Prime Minister to take when pronouncing a panegyric; but then, in direct defiance of his own doctrines, the right hon. Baronet pairs with the noble Lord a Gentleman of whom I desire to speak with all respect, and who privately deserves to be

so spoken of, who certainly was taken from the other extremity of the party. It was impossible, perhaps, to find two men whose views with regard to Ireland were so diametrically opposite as those of the noble Lord and Mr. Sergeant Jackson. The very first debate upon education exhibited the very best Parliamentary set-to between the Secretary for Ireland and the Solicitor-general for Ireland, that was perhaps ever witnessed. We had the whole of that side of the House vehemently cheering the Solicitor-general, while the unfortunate Secretary was obliged to content himself with the approbation of this. In fact, no more direct and obvious opposition could have been established than that which existed between the two managers of different departments of the Irish Government. And this has been from first to last the whole system; but I will do what justice I can to the right hon. Baronet and his Colleagues, and I will say for them that I believe they have governed Ireland as well as they could for very shame. They had no choice but either to act with the most glaring inconsistency, or to govern Ireland ill; they have boldly faced the charge of inconsistency; the recantation on the subject of the Registration Bill, must have been bitter indeed to the noble Secretary for the Colonies; but the system was to be carried through, and the recantation must be made. The same system has pervaded your whole policy. You take up a certain plan of national Irish education; your Solicitor-general attacks it with the greatest virulence—you make him a judge; you place on the Episcopal bench a Prelate known to be opposed to it. You talk of impartiality in the distribution of appointments, and yet you place in the very highest offices persons, however respectable, who must be regarded by the people of Ireland with the utmost enmity and distrust. What is the natural effect? Your friends are cooled—your enemies are not conciliated; you may learn this fact from the whole Orange press, if you will not take the word of your supporters; and in a very short time the spirit of hostility has grown up to a height never before equalled



in Ireland. At this moment the language of every man of every party is, that we have arrived at a most formidable and alarming crisis; on one hand you are reproached for not conceding with alacrity, and on the other for not coercing with vigour. Out of your own circle, not a man in the country, in Parliament or out of Parliament, speaks of your Irish Administration with the slightest confidence. Nobody supposes that this repeal agitation can go on from year to year without some decided measure; and what has been the distinct intimation from the highest authority—from the Home Secretary, who is in fact the Chief Minister for Ireland, when the Secretary for Ireland is not in the Cabinet? He has declared that concession has been carried to the utmost. True it is, that an hon. Member this night has endeavoured, in some manner, to explain away those words; but even he could not have explained or defended what followed—I do not mean to lay any stress upon expressions which the right-hon. Gentleman (Sir J. Graham) himself explained: I merely speak of that which he avowed in the clearest manner—which he did not attempt to retract; he told us almost in as many words, that he repented all he had done towards Catholic emancipation; he had supported it, he said, in consequence of hopes which had not been realized, while the prophecies of the right hon. Member for Tamworth in 1817 had been too completely verified. He recanted all his opinions on this subject in words as clear as any he could employ; the best part of his political life has been wasted upon an object he regrets to have attained, and all he has now to do is for the rest of his time to live and repent. We must, therefore, understand from the Government, that conciliatory policy is at an end; concession has been carried to the utmost, and the right hon. Gentleman is sincerely sorry that even Catholic emancipation was granted. I do not mean to state that he said anything to show that he would support the repeal of the Emancipation Act, but if words have a meaning, his words clearly showed that he repented it had ever been passed. In my opinion, some of the dis-

content in Ireland arises from causes which legislation cannot correct; but it seems to me that the present extreme violence of that feeling has been produced by the misconduct of the party in power, both at the time they came into office and afterwards. Their difficulties being so great, Ministers appear to have made up their minds to this, and this only, that all their actions shall be on the side of coercion and severity, and that they will do nothing in the way of kindness and conciliation. On the subject of the Arms Bill I have no extravagant feeling. Although I have voted for an Arms Bill in Ireland, yet, as a general rule, I believe it to be a most inefficient measure. I say this, not from an observation of Ireland alone, but from conversing with men of great experience in other parts of the world. Men of great military and political abilities in India have universally told me that disarming orders invariably produced this effect, that they took away arms from the well-affected, and left arms in the hands of the dangerous. At all events, you cannot deny that you have introduced into your Arms Bill irritating clauses which can have no value in enforcing its provisions. Then, look at your executive measure—your dismissal of magistrates. You could not dismiss them for reasons which I, for one, should not have censured, but you must dismiss them on the most unconstitutional grounds you could discover. You could not dismiss them without even violating the privileges of this House. You have a Chancellor talking about speeches in this House, with no official declarations, and, in fact, amounting to this—that whenever a Minister of the Crown declares against a measure every man must be turned out of the commission who opposes it. I know, that the Lord Chancellor of Ireland cannot seriously maintain such a proposition; but what can we think of a Government, which ought to be the most cautious of any, adopting the acts of that learned Lord—acts of the most grave nature—for the turning of a magistrate out of the commission of the peace, is one of the strongest measures, and one in which the strictest adherence to

form is absolutely necessary? A wise Government would not have coupled itself to any measure, adopted by any of its officers, however high in station, if the recognition of his acts involved a breach of the privileges of the House. No wise Government, Sir, would have adopted such acts, which must have been done in haste, because it is only telling every magistrate in England that he must not give expression to any opinion hostile to any act of Parliament which the Government of the day stated in their place in Parliament must be maintained inviolate. Sir, it may be thought that I dwell too much upon these two solitary acts, but I must be permitted to remind the House, these are the only two acts which you have opposed to the agitation, which Mr. O'Connell did not overstate when he said all Europe, as well as America, was looking to it with deep interest. It is on that point, among others, that I differ from Government. I do not think that concession has been exhausted—I do not think that we have arrived at the end of our resources proceeding on a conciliatory policy. As to the Repeal of the Union no man has expressed, or can express, feelings so strong that I would not concur in them. I am persuaded that it is utterly impossible to have two equal and independent Legislatures under the same Sovereign. If there are any appearances in history to the contrary, they are delusive. Down to 1782, the English Parliament legislated for Ireland, and subsequently to that period, Ireland was governed, first, by corruption, and afterwards by the sword. I do not believe that the hon. Mover was borne out when he reprehended the right hon. Baronet for saying that he would prefer war to a dissolution of the Union. The question is not between dissolution on the one hand and war on the other, for in my opinion war must inevitably follow dissolution. I have already said that legislation can afford no relief to some of the evils of Ireland. One of these is absenteeism, and as to fixity of tenure, I would rather be a learner than a teacher. Some of the projected measures of redress would be useless, and others would be mere



confiscation, and to confiscation I would never give my consent. Nevertheless, I am not prepared to say, certainly not after the debate of to-night, that much may not be done in the way of legislation to improve the relations between landlord and tenant; but there are legislative and administrative reforms perfectly in your power. It is possible for you to correct the manner in which public patronage is bestowed. I do not say that I would give Parliamentary offices to Members who were opposed to the Government, but you stand in Ireland in this position, that you would find it difficult to promote persons who have been your hearty and zealous friends, and who would not be regarded with dislike and distrust by the Irish people. For what you have hitherto done amiss you must now suffer penance, and the penance is the bestowal of your patronage upon men who have not been your general supporters. In my opinion that is a very light penance too, when we look at such cases as those of Mr. Lefroy and Mr. Sergeant Jackson, who were rewarded for what they did in your service. The refusal to bestow patronage without regard to mere political claims may be a good reason why you should retire from office, but it can be no reason why Ireland should be mis-governed. You say that you mean to settle the elective franchise on a new basis, and next year you must come down with a new bill to inform us who are and who are not to be electors; in that measure you may adopt a conciliatory course without the slightest hazard to the public peace. Let us consider our situation; we are beyond all teaching, if the experience of the last few weeks has not taught us that a formidable Irish leader is much more formidable out of the House than in it. The measure of registration is studiously kept back from an uneasy feeling: if it turn out to be like your former measure of this kind, it cannot but excite the strongest opposition, and the most angry feelings; but we cannot expect from you a truly fair and liberal measure, since it would expose a vast system of delusion. Yet why should you hesitate? You have already commenced your

course of humiliation ; you have already drunk of the cup, and the best thing you can now do is to drain it to the dregs ; if it be bitter, remember you mixed it for yourselves. One subject I must speak of—the situation of the two churches with relation to each other. Without any advice from the right hon. Member (Mr. Shaw) I should carefully have abstained from aspersions upon the characters of individuals, and from expressions as to the institutions which might be considered abusive or scurrilous ; but let any Gentleman take any of the celebrated defences of the establishment, whether by its greatest, ablest, and uncompromising advocates, Warburton or Paley, or by names of smaller note, and if he can make out anything like a case in favour of the present Protestant establishment in Ireland, I will at once give up the question. Is it not the plain and great object of a church to instruct the main body of the people ? Is it not its first duty peculiarly and emphatically to instruct the poor ? If any person attacked the church establishments of England or of Scotland, would not its vindication at once be rested upon the point, which, above all others, contrasts it with the church establishment of Ireland ? Is not the whole evil of the voluntary system to be found in the present state of religion in Ireland ? Does not Hume tell us, in a passage quoted on a former evening by the hon. Member for Bath, that it is of the highest importance to the State to connect the State with the priesthood, who teach the great mass of the people, which priesthood might otherwise exercise an influence dangerous to the civil power ? Can any body deny that the evil of a want of connection exists in the highest degree in Ireland ? If then, your Protestant church in Ireland possesses also all the evils of the voluntary system, is it not something strange and startling to be told that it is an institution sacred and inviolable ? The arguments seem to resolve themselves into this :—That six or seven millions of Roman Catholics are compelled, in the year 1843, to acquiesce in the degradation of their own religion, and submit to the Protestant

domination of one million. Let me, however, be distinctly understood. I do not say that it would be necessary, or even that it would be desirable, to subvert and utterly to destroy the Protestant establishment in Ireland. I would preserve vested rights inviolably, but it is necessary that the church should be reduced to a strict proportion to the wants of the Protestants. Everything it is now in the power of the Government to do should be done for the purpose of putting the two religions on a perfect equality in point of consideration and dignity. I believe that this would be found a most beneficial and useful reform, and we have in favour of it an instance the best that all history can supply. The right hon. Member for Dublin University told us that if the Church and State were dissevered in Ireland, there would be an end of the Union in two years; but it is natural and proper that we should look at the other instance of a legislative Union, which presents itself at once to our eyes, and which is strictly analogous. When Scotland was united there were circumstances which indicated that it would not be more permanent than the Irish Union; it was effected after long, and violent, and bloody hostilities; there was also a case of disputed succession, and the language in the Highlands was as different from our own as that prevalent in many parts of Ireland. Forty-three years have elapsed since the Union with Ireland, and why, after forty-three years had elapsed since the Union with Scotland, was there not as much danger of its termination? Why was there no agitation—no disturbances? There were plenty of causes of dissatisfaction and circumstances that seemed to favour a project for severance. There was Lord Bute's administration, Wilkes's election, violent political contests, much satire, bold invective, but no movement, no mobs in favour of disunion, nor the speech of a solitary agitator in favour of Repeal. One of these Unions has turned out the most happy and the most firmly established that was ever known among men, while in forty-three years after the Union with Ireland we find millions of men throwing out the loudest



and most violent aspersions upon that measure. Is it not, then, natural to look a little at the principles on which the two Unions were established? As far as regards representation, Ireland has the advantage, for Scotland was allowed a much smaller number of Members; but when the Union with Scotland was effected, the great Whig statesmen, Somers, Halifax and others, succeeded in inserting a clause containing a full recognition of the religion to which the people of Scotland were fondly and firmly attached. If the Union with Ireland had contained a similar wise and just provision, it is my belief that we should not have heard a murmur against it, and that it would have been as inviolably maintained as the Union with Scotland. I am persuaded that it is still in your power to repair to a great extent this great omission in the Irish Act of Union. Like the hon. Member for Mallow, who so ably addressed the House this evening, I did not wish for the predominance of the Roman Catholic religion; but I do wish to see the Protestant and Roman Catholic religions equal in dignity and in honour, and that to neither should any ascendancy be given. I believe that if this course had been taken at an earlier period, a great calamity might have been averted, and, I believe, that by taking it still the evils by which we are surrounded may be avoided. I wish I could entertain any hope that the present Government is about to adopt such a salutary policy; but at all events it will be some satisfaction to me to mark by my vote, that although the discontent in Ireland is partly attributable to the delusions of demagogues, and partly to causes which legislation cannot correct, yet that it has been inflamed to its present height by a system of unjust and injudicious Government, and that by adopting a sound and wise policy it may yet be allayed.

## APPREHENSION OF OFFENDERS' BILL—AMERICA.\*

AUGUST 11, 1843.

HE had hoped that his hon. and learned Friend [the Attorney General] would have given such an explanation as would have rendered it unnecessary for him to address the House on the question; but with great concern, he must declare, that, after listening to the observations of his hon. and learned Friend, he felt more uneasiness respecting the bill than he did when the discussion commenced. He could assure the right hon. Baronet opposite that he had not the smallest intention of making any charge against the Government on this occasion. He was aware that a similar treaty was in contemplation when the late Ministry was in office, and he gave the present Ministers full credit for having intended nothing, but to connect more closely the relations of amity between the two countries, and the promotion of justice. He, however, looked with some anxiety to some portions of the bill, and he seriously entertained an opinion, which would probably startle his own Friends as much as the hon. 'Gentlemen opposite, namely, that the best course the Government could take would be to drop the bill, and cancel that part of the treaty to which it referred. He could not concur in the fundamental principles which his hon. and learned Friend had laid down on the subject of extradition—a word, by the-by, which seemed to be introduced into the English language, and which, therefore, he might be excused for employing. No doubt it was a great evil that murderers and robbers should escape

\* Hansard, 3d Series, vol. lxxi. p. 568-572.

punishment—it was an evil to the country from which they fled as well as to that in which they sought refuge; but, nevertheless, he must be allowed to observe, that in another part of the world in which he had had an opportunity of hearing the matter discussed, it was considered essential to a good scheme of extradition that there should be between the two contracting states a general assimilation of laws, manners, morals, and feelings, as would make it impossible that any conduct should be pursued by one state which would be grossly shocking and startling to the other. This had been the course pursued in India under successive governments. Our Government in India never delivered a fugitive criminal to a power which was likely to try him upon principles which, according to our views, were grossly unjust, nor to a power which was likely to inflict a punishment shocking and horrible to civilised men. Those were the principles on which they acted in India. Suppose there was a country so barbarous and absurd as to punish offenders by the ordeal of red-hot ploughshares, would it be proper to establish extradition with it? Should we give up offenders to be subjected to that punishment? And, taking his hon. and learned Friend's illustration, if any nation were to be so utterly absurd as to enact that a bachelor should be broken on the wheel for an offence for which a married man would be merely fined, would his hon. and learned Friend contend that we should have a treaty of extradition with that nation? As regarded the treaty with France, he saw no objection to it; and if such a treaty as the one under consideration had been entered into with the Northern States of America, in which the reports of our law courts were quoted, and the very details of our legal proceedings were adopted, it would have been productive of advantage. But in the Southern States the unfortunate relations between master and slave came into operation. He meant to give no opinion on the subject of slavery in the United States. He thought that it was in the highest degree improper for Members of that House to pass



censures on the institutions of foreign countries, and if he wanted a warning to deter him from that course, he should find it in the exhibitions which American orators had made when descanting on internal questions appertaining to these islands. He alluded to the question of slavery merely for the purpose of observing that there was a fundamental difference in that respect between the law of England and America, and that difference in the law occasioned a difference in manners, usages, and habits, which would create difficulties almost insuperable, to the execution of a treaty of extradition between the two countries. Now, a word with respect to the law. He did not wish to misrepresent his hon. and learned Friend, and begged it to be understood that he was seeking for information on the question he was about to put. He earnestly wished to know in what sense his hon. and learned Friend understood the words murder and piracy? His hon. and learned friend would say that those words must be interpreted according to the law of the country in which the offences are committed. Now, there are many acts which would be classed as murder or justifiable homicide, accordingly as the relations of slavery might be recognized or not in the place in which they were committed. He would give one instance of this. A woman in England, attacked by a ravisher, had a right to defend herself, and if she should kill her assailant, the act would be declared justifiable homicide; but if a woman in Georgia should slay her ravisher, or if a Quadroon girl should act so, she would be held guilty of murder. Take the case of a slave who had committed murder in his own defence. Suppose a man scourged him, pursued him, the slave had surely a right to resist, and in his defence, to kill his assailant; by the law of England that would be justifiable homicide, by the law of Georgia it would be wilful murder. In the case of the Creole, his hon. and learned Friend said he had recommended the Crown not to give up the slaves; and, no doubt, he was quite right in doing so; but what would his hon. and learned friend have done under this

act? He (Mr. Macaulay) should like to hear a definition of piracy. Suppose any person were to lay hold of us, clap us under hatches, and take us to sea with a view of selling us, there could not be a doubt that, by the law of England, individuals so held in confinement would have a perfect right to seize upon the ship, and to take it into the first port where they thought themselves likely to be secure. But if the persons held in confinement on board of such a ship were convicts, in the legitimate charge of officers appointed to take care of them, the same act would be piracy. There could not, surely, be any objection to the insertion in the bill of some clause to this effect: Provided always, that in any case of a charge against a slave, he should not be delivered up if the offence with which he was charged would be one justifiable if committed by a freeman. He did not mean to propose these as the precise terms of the clause. That his hon. and learned Friend would be much better able than he to draw up. The next point on which he felt anxiety was the mode of trial to which a fugitive slave would be subjected. He could not agree with his hon. and learned Friend that England had nothing to do with the mode of trial that might be adopted; nor could he believe that the nature of the punishment to be awarded was unimportant. Another question presented itself to him. Suppose the man was acquitted in America, what was to be done with him then? Was he to remain a slave in the hands of a master incensed by the attempt to run away? Would the slave's life in such a case be safe, even after his acquittal? No: for in some states of the American union the law held it no crime to cause the death of a slave by what was called legitimate correction. And, be it remembered, that he was talking now, not of a guilty but an innocent man, and he must say that he could not contemplate such things without the greatest dread as to the effects they were likely to have on our national character. We had nothing to do, certainly, with the laws of America, but we must not on that account make ourselves the slave-catchers of the

Americans. Suppose, even, her Majesty's Government put a liberal construction on this bill, the question was, what construction the Government of the United States would put upon it? He believed that the view taken of the treaty in the United States was, that if a case similar to that of the Creole were to occur again, that the "pirates and murderers," as they were called, in America, would be delivered up under this act. But was this country prepared to submit to such a thing? If her Majesty's Government had made up their minds that they would not be the slave-catchers for the United States; and if the United States Government persist in taking a different view of the obligations of the treaty from that taken by her Majesty's Government, would it not be better to cancel this treaty at once? By doing so, they would be guilty of no breach of engagement, for the power of doing so was expressly reserved in the treaty itself. If, however, her Majesty's Government waited till another case like that of the Creole occurred, and then while they put one interpretation upon the treaty, and the Government of the United States put a different interpretation upon it, it was very possible that the most serious consequences might arise.

The *Attorney-General* said, that in all the cases put by the right hon. Gentleman no doubt could arise. The bill expressly said, that the fugitives must be tried by the laws of the country where they were found.

Mr. *Macaulay* asked, whether he were to understand, then, that an action not criminal in a free man, could not be held to be criminal in a slave?

The *Attorney-General* said he was of opinion that an English magistrate would not be at liberty to enter into the question as to whether the fugitive brought before him was a slave or not. He could only enter into such questions of common law as might arise out of the case, and if the accused person was not shown to be a criminal, no extradition could take place.



## STATE OF IRELAND.\*

FEBRUARY 19, 1844.

I CANNOT refrain, Mr. Speaker, from congratulating you and the House that I did not catch your eye when I before presented myself to your attention. I should have been exceedingly sorry to have prevented any Irish representative from addressing the House on a question so interesting to his country; but peculiarly sorry to have stood in the way of that Gentleman (Mr. J. O'Brien), who pleaded the cause of his country with so much force and eloquence. I now wish to submit to the House those reasons which appear to me to vindicate the vote I am about to give; and in doing this I am sorry to say, that I shall not feel myself justified in following the course traced out to us by my hon. Friend opposite, with all that authority which he, as he justly states, derives from his venerable youth. I cannot agree with the hon. Gentleman in thinking that our best course is to suffer her Majesty's Government to go on in their own way, and give us the measures which they have prepared, seeing that the way in which they have been for some time going on is an exceedingly bad one. Sir, the ground on which I support the motion of my noble Friend is this—I conceive that Ireland is in a most unsatisfactory, and, indeed, alarming condition. I conceive, though for the remote causes of the disorders of Ireland neither the present Government nor any living statesmen are responsible—that the immediate causes of those disorders which now peculiarly alarm us, will be found in the conduct of Her Ma-

\* Hansard, 3d Series, vol. lxxii. p. 1169–1194.

Jesty's present advisers. I conceive that when those disorders had reached in autumn an alarming height, her Majesty's Ministers did not show in any part of their conduct, either by their legislation or their administration, that they justly appreciated the nature of those disorders, or were aware of the proper mode in which they should be treated. I see no signs of promise for the future of a policy better than that which they have hitherto followed. I look forward, certainly, with deep uneasiness to the state of Ireland. I conceive that, in such circumstances, it is the constitutional right and duty of this House to interfere; and I conceive that my noble Friend, by inviting us to go into a Committee of the whole House, has proposed a mode of interference which is at once perfectly parliamentary and convenient, as it is undoubtedly called for. Now, as to the first of these propositions, it will not be necessary for me to waste any time in an attempt to show that the condition of Ireland is one which may justly inspire great anxiety and alarm. On that point I conceive that both sides of the House are fully agreed. That country, Sir, in extent about one-fourth of the United Kingdom, in population certainly more than one-fourth; superior, probably, in internal fruitfulness to any area of equal size in Europe; possessed of a position which holds out the greatest facilities for commerce, at least equal to any other country of the same extent in the world; an inexhaustible nursery of the finest soldiers; a country beyond all doubt of far higher consequence to the prosperity and greatness of this Empire than all its far distant dependencies, were they multiplied four or five times over; superior to Canada added to the West Indies, and these both conjoined with our possessions at the Cape and in Australasia, and with all the wide dominions of the Moguls—such is the state to which you have reduced it, that it is a source not of confidence and strength, but of alarm and weakness. How do you govern it? Not by love, but by fear; not as you govern Great Britain, but as you govern the recently-conquered Scinde; not by the confidence of the people in the laws

and their attachment to the Constitution, but by means of armed men and entrenched camps. Undoubtedly this is a fact which, if we knew nothing more, would fully justify the House of Commons in entering into a grave inquiry, in order to ascertain why these things are so. That these things are so, is undoubtedly to be ascribed, as I said, partly to remote causes, independent of any which have a bearing on the parties of the present day. To dwell long on those remote causes would be out of place, and would occupy the attention of the house unnecessarily; and yet I think we can hardly do justice to this enquiry except by taking at least a hasty glance at them. When we seek for the primary causes of these disorders, we must look back to a period not only beyond the existence of the present or late administrations—beyond the time of any living statesmen, but to times anterior to those in which the party names of Whig or Tory were first pronounced—anterior to those of the Puritans, to whom the hon. Member for Shrewsbury (Mr. Disraeli,) in his very ingenious speech, attributed the calamities of Ireland—anterior even to the Reformation. Sir, the primary cause of the evils of Ireland is undoubtedly the manner in which that country became annexed to the English Crown. It was effected by conquest, and conquest of a peculiar kind. The mere annexation of the country to the English dominion would have been no disadvantage to Ireland, and might have been a benefit to both; but it was not a conquest like those we have been accustomed to witness in modern Europe. It was not a conquest like that which united Lorraine to France, or Silesia to Prussia. It was a conquest of a different kind, well known in ancient times, and down to our own days practised in rude or semi-civilized nations—the conquest of race over race, such a conquest as established the dominion of the Mahrattas in Gwalior, or that of the Spaniards over the American Indians. That, I think, was the first great cause of these disorders, and the effect has not by any means ceased to act. I believe the very worst of tyrannies that can exist is the tyranny of race over race. I



believe that no enmity which ever existed between nations separated by seas and mountains, aggravated as it may have been by long enmity, has ever approached the intense bitterness which is cherished by nations towards each other, when they are geographically and locally intermingled, and yet have never morally amalgamated. And has not a feeling like that which reigned in the breasts of the Spaniards and Mahrattas towards their conquered slaves been excited, by your own boasting and taunts, in a great part of the people of England towards their brethren in Ireland? It might have been hoped that the lapse of time and the consequences of civilization would have healed the original evil—that what we have seen in our own country, which formerly suffered under the same evil, and suffered most cruelly, would have taken place also in Ireland. Here Celt and Saxon—Dane and Norman—all have been fused down and melted together, to form the great and united English people. A similar amalgamation, we might have hoped, would have taken place in Ireland; and I believe it would, but for the circumstances under which it was attempted to force the Reformation on that country. Then came new divisions to strengthen and embitter the old. The English colonists adopted the new doctrines as they had been embraced in England; the aborigines remained true to the ancient faith, alone among all the nations of the North of Europe. Then a new line of demarcation was drawn; theological antipathies were added to the previous differences, and revived the dying animosity of race, continuing dissensions and perpetuating a feud which has descended to our own times. Then came the occurrences to which the hon. Member for Shrewsbury referred in his speech. It unfortunately so happened that the spirit of liberty in England was closely allied with that spirit in theology which was most zealously opposed to the Catholic Church. It did so happen that those who wished for arbitrary government during the 17th century, were closely allied with the leaders of the old religion, and not with its theological opponents

Such men on the one hand as Pym, Hampden, and Milton, however eminent defenders of freedom, though upholding in their widest extent the doctrines of free discussion and religious liberty, yet always made one exception to their tolerance—the Roman Catholics. On the other hand, those princes who never respected the free rights of conscience in any Protestant dissenters, all betrayed a propensity, to favour the religion of their Catholic subjects. James I. regarded them with no aversion; Charles I. showed them great favour and attachment; Charles II. was a concealed Catholic; James II. was an avowed Catholic. In this manner it happened, throughout the whole of that century, that our slavery and their freedom meant one and the same thing, and that the very events, dates, and names which in the mind of an Englishman were associated with the glory and prosperity of his country, were associated in that of an Irishman with all that had worked the ruin and degradation of his. Take the name of William III., the memory of the battle of the Boyne. I never recollect being so forcibly struck with anything as with a circumstance which occurred on a day I have every reason to remember with gratitude and pride—the day when I had the honour of being declared Member for Leeds. While I was chaired, I observed that all the windows were filled with Orange ribbons, and the streets crowded with persons wearing orange favours: all these were in favour of Catholic Emancipation, and animated with the strongest feeling to contend for equality of rights being granted to their Catholic fellow-subjects. I could not help observing, that the Orange ribbon seemed rather incongruous. “Not at all,” was the answer; “under an Orange flag the Whigs of Yorkshire have always banded together. An Orange flag was carried before Sir George Saville, one of the first persons who stood here on the basis of equal rights for all.” The very chair in which I sat, it was added, was the chair in which Lord Milton had been carried, when he gained the victory in the great cause of religious liberty against

Lord Harewood. Now, what effect would this have produced in Limerick? It would have been at once considered as a mark of triumph over and insult to the Catholic party, marking a disagreement at every point in the history and even of the moral being of these two nations. Twice during the century of which I have been speaking the Catholic population rose against the Protestants; they were twice put down, and both times with a large annexation of land on the one side, and confiscation of property with the infliction of severe penalties on the other. The first insurrection was put down by Oliver Cromwell, the second by King William. Each of these eminent leaders, after his victory, proceeded to establish a system of his own. That of Cromwell was simple—strong, fierce, hateful, cruel; it might be comprised in one word, which, as Lord Clarendon tells us, was then constantly uttered in the English army—extirpation. What would have been the consequence if he had lived no one can tell, but his object is stated to have been to make Ireland completely English; however, he died, and his plans were interrupted. This policy vanished. The policy adopted by William III. and his advisers was, in seeming, certainly less cruel, but whether in reality less cruel I have my doubts. The Irish Catholics were to live, multiply, and replenish the earth; but they were to be what the Helots were in Sparta, or the Greeks under the Ottoman, or what the man of colour now is in Pennsylvania. The Catholic was to be excluded from every office of honour and profit; his every step in the road of life was to be fettered by some galling restriction. If desirous of military glory, he was to be told, you may go and gain it in the armies of Austria or France; if he felt an inclination for political science, he might meddle in the diplomacy of Italy and Spain; but if he remained at home, he was a mere Gibeonite—a “hewer of wood and drawer of water.” Bad laws badly administered, fostered and increased the ill feeling thus begun; and to this period and to these laws may be referred the peculiar and unfortunate relations between



landlord and tenant which to this day deform the social state of Ireland. A combination of rustic tyrants was opposed by a host of rustic banditti, who appeared under various names, at intervals of four or five years, during the whole of the last century. Courts of law and juries existed only for the benefit of the dominant sect. The priesthood, of which we heard some anecdotes the other night, and very striking they were, who were revered by millions as the dispensers of the Christian sacraments and the great teachers of Truth, who were considered by them as their natural guides and only protectors, were ordinarily treated by the dominant faction, including the bulk of the gentry of the country, as no man of common good nature would treat the vilest beggar. A century passed away, and the French Revolution awakened a spirit of liberty throughout Europe. Jacobinism was not a natural ally of Catholicism, but oppression and misery produce strange coalitions, and such a coalition was formed. A third struggle against Protestant ascendancy was put down by the sword, and it became the duty of the men at the head of affairs to consider what measures should be adopted to give for the first time peace and good order to Ireland. Little as I revere the memory of Mr. Pitt, I must confess that, comparing the plan he formed with the policy of Cromwell and William, he deserves praise for great wisdom and humanity. The Union of Ireland with Great Britain was part of his plan, an excellent and essential part of it, but still only a part. It never ought to be forgotten that his scheme was much wider in extent, and that he was not allowed to carry it into effect. He wished to unite not only the kingdoms, but the hearts and affections of the people. For that object the Catholic disabilities were to be removed, the Catholic clergy were to be placed in an honourable, comfortable, and independent position, and Catholic education was to be conducted on a liberal scale. His views and opinions agreed with, and were, I have no doubt, taken from those of Mr Burke, a man of an understanding even more enlarged and capa

cious than his own. If Mr. Pitt's system had been carried into effect, I believe that the Union with Ireland would now have been as fully secure, and as far out of the reach of agitation, as the Union with Scotland. The Act of Union would then have been associated in the minds of the great body of the Catholic Irish people with the removal of most galling disabilities. All their religious and national feelings would have been bound up with the English connection; and the Parliament in College-green would have been remembered as the most tyrannical, the most oppressive, the most venal, according to its deserts, the most corrupt assembly that ever sat on the face of the earth. In saying this, I can be giving no offence to any Gentleman from Ireland, how strong soever his national or political feelings may be, for I only repeat the sentiment which has been expressed by one of his own countrymen. Mr. Wolf Tone said — .

"I have seen the corruption of Westminster Hall, I have seen jobbing of all sorts in colonial legislatures, I have seen corruption in the Council of Five Hundred, but anything bordering on the infamy of College-green never entered the heart of man to conceive."

Not only, I say, would the Union, if the measures I have alluded to had passed, have been associated in the minds of the Catholic population of Ireland with great wrongs removed, with great benefits received, but those benefits must have inspired a corresponding feeling of gratitude, because they were conferred when England was at the height of her power, and in the moment of victory. I believe if those measures had passed, we should not now have been contending with agitation for the Repeal of the Union. Unhappily, however, the Union alone, of all the measures planned by Mr. Pitt, was carried, and the Irish Catholics found that they had not the name of national independence, that which to them, how ever little its intrinsic worth, was a source of pride, and that they had obtained no compensation by an addition of civil and religious liberty. Hence the Union, instead of being associated in their

minds with penal codes abolished generously, and religious disabilities swept away, became an emblem of disappointed hopes and violated pledges. Nevertheless, it was not even then too late. I was not too late in 1813; it was not too late in 1821; it was not too late even in 1825; if the same men who were then, as they are now, high in the service of the Crown, would have made up their minds to say that which they were forced to say four years later; even then the benefits of the policy of Mr. Pitt might have been realized. The apparatus of agitation was not then organized, the Government was under no coercion; that which was afterwards given in 1829 might have been given with honour and advantage, and might, most probably would, have secured the gratitude of the Irish Catholic people. But in 1829 concession was made, and largely made—made, too, without conditions, which Mr. Pitt would undoubtedly have imposed—but still made reluctantly, and with obvious dislike—made confessedly while the Government was in a state of duress, and made from the dread of civil war. Was that concession calculated to inspire the minds of the Irish Catholics with gratitude and content? Had it not rather a tendency to inspire the minds of those Irish Catholics with a feeling and opinion to be most deeply lamented, that they could only obtain redress by opposing the Government; with the evil effects of which we are at this day contending? Could these men forget that they had been coming before the English Parliament for twenty-seven years as suppliants, representing, pleading the justice of their cause—urging the rights of conscience and the civil liberty of the subject—pointing to previous solemn pledges, to the promises of Mr. Pitt, even to the supposed promise of George IV. when Prince of Wales, and pleading and urging all these reasonable arguments in vain? Could they forget that the most profound thinkers, the most eloquent orators, had waked and toiled in their cause in the English Parliament—and had failed to procure them redress. Mr. Pitt endeavoured to fulfil his pledge, and he was driven from office.



Lord Greyville and Lord Grey endeavoured to do less indeed than Mr. Pitt proposed, but some portion of that which Mr. Pitt proposed to carry into effect, and they too in turn were obliged to abandon power. Then came Mr. Canning; he took part with the Catholics, and he was rewarded by being worried and hunted to death, by the party which is now in office, and of which he was perhaps the most distinguished member. And when he, one of the brightest ornaments of Parliament and the eloquent advocate of the Catholic cause, was laid in his grave, then the Catholics began to look to themselves for aid, to display that formidable array of force, just keeping within the limits of the law, which soon produced most memorable consequences, and led to a result which their noblest advocates had been unable to achieve. Within two years after that great man was carried broken-hearted to his resting place in Westminster Abbey, everything he could have done—nay more than he could have done—was effected. Was it possible, then, that from that moment there should not have been an opinion deeply rooted in the minds of the whole Catholic population of Ireland, that from England, or, at all events, from that powerful party which governed England, nothing was to be got by reason or by justice, but everything by fear? However, the concession was made at last, but made so that it deserved no gratitude, and obtained none. The organization of agitation was complete. The leaders of the people had tasted the pleasure of power and distinction; the people themselves had grown accustomed to excitement. Grievances enough remained, God knows, behind to serve as pretexts for agitation, and the people were imbued with a sense that nothing was to be got by pleading, and justice would only be awarded to power. These I call the remote causes of the difficulty we have now to deal with; these are the causes which explain a great part of that immense mass of discontent and morbid feeling which has come down to us in our day, as a proof of the constant, uninterrupted misgovernment of Ireland from the reign of Henry

II. to that of William IV. These are the evils with which the statesmen of the present time have to deal. And now for the immediate cause of the present alarming condition of Ireland. There is, I conceive, if I understand it rightly, a great predisposition to disease, but not of absolute paroxysm. Ireland is always combustible, but not always on fire. The right hon. Baronet opposite, during that time when he appeared before the public as a candidate for the high situation he at present fills, announced himself under the title of a physician, and he used several metaphors, if I remember rightly, drawn from the situation of a medical man at the bedside of a patient. If I were to follow out the metaphors of the right hon. Gentleman, I should say that Ireland—I do not accuse the right hon. Baronet of having poisoned his patient who was in an ill state of body, but that the malady was one which, by former good treatment, had been long kept under, and one which, by the continuance of such treatment, might have been subdued, until the whole system had become, in the course of time, restored, and the patient gradually placed in a sound and healthy condition. But the right hon. Baronet's policy has been to apply irritants, which have produced nothing but a series of paroxysms—every one more powerful than its predecessor—and now the condition of the patient, unless you adopt most decisive measures, threatens a most formidable crisis. It is impossible to doubt that the Administration of Lord Melbourne was popular with the great body of the Catholic population of Ireland. It is impossible to doubt that the two viceroys he sent over to Ireland received a larger share of approbation from the great body of the Irish people than any viceroys from the time of William III. We know that during his Administration great perils threatened the Empire in other quarters; but we know also, that to whatever quarter the Government might look with apprehension, to Ireland they might look with confidence. When some designing men raised disturbances in England, and an insurrection was threatened, troops could be

spared from Ireland. When an insurrection broke out in one of our colonies—an insurrection, too, in which it might be supposed the Irish Catholics would be inclined to sympathise, seeing that it was the insurrection of a Catholic population against an English Protestant domination, even then the Catholics of Ireland remained true in all things to the general Government of the Empire, and Ireland could spare troops to suppress the insurrection in Canada. And no one, I believe, doubts, that if in 1840 there had been an unfortunate necessity to go to war, and if a foreign power had sent an army such as once before appeared there on the shores of Munster, that army would have met with as warm a reception as if it had landed on the coast of Kent or of Norfolk; and no one doubts that there would have been a general determination on the part of the Catholic population to defend and support the Throne of Queen Victoria. Under what circumstances and by what means were these effects produced? Not by great legislative boons, conferred by the Government upon the Irish people—for that Government, although it had the inclination, had not the power, against the strength of a powerful minority in this House, and of a decided majority in the other House, to carry any such legislative measure. No, it was merely the effect of an Executive Administration, which, crossed and thwarted as it was at every turn, contending, as it had to contend, against the whole power of the Established Church, and a very formidable portion of the aristocracy and the landed gentry, yet, with such means and such powers as it had, endeavouring honestly and in good faith to remove the religious distinctions which had been maintained in practice after they were abolished by the law, and to conciliate the affections of the Irish people. And I cannot help thinking that if that Administration had been as strong in Parliamentary support as the present, if it had been able to carry into full effect measures for extending to Ireland the benefits of the British Constitution, that in one generation, by such administration and legislation, the Union would have been as secure



against popular agitation as is the trial by jury, or the most revered part of our Constitution. But this was not to be. During six years an Opposition, powerful in numbers, formidable in ability, selected the Administration of Ireland as the object of their fiercest, deadliest attacks. Those Lord Lieutenants who were most popular in Ireland were assailed as no others had ever been assailed; and assailed, too, for those very efforts of their administration which were the chief causes of the conciliation of the Irish people. Every legislative Act, too, without exception, introduced by that Government for the advantage of Ireland, was either rejected altogether, or mutilated. A few Catholic gentlemen, men of eminent ability and stainless character, were placed in situations which I can only say were below their talents and desert. Those appointments were hailed with great satisfaction by their countrymen. And no wonder! For 150 years of proscription, of ban and oppression, during which the powers of eloquence, as great as those of my right hon. Friend the Member for Dungarvon, and of other ornaments of his country, wither in utter obscurity under penal and disabling laws—after a century and a half of proscription, during which no Irish Catholic attained to those honours in the State to which his talents and character were entitled, unless he apostatised from his faith, and betrayed his country—at last a Catholic was sworn in of Her Majesty's Privy Council; a Catholic took his seat at the Board of Treasury; and another appeared at the Board of Admiralty. Instantly all the underlings of the great Tory party raised a yell of rage, such as the “No Popery” mob of Lord George Gordon, to whom reference has this night been made, could never have surpassed. That is one example of the feeling which was exhibited with regard to the Catholics, and of which we have not been without manifestations in this debate. The leaders of the party, indeed, even at that time seldom joined in that cry—although I could mention one, and, perhaps, even two eminent instances to the contrary—but the leaders of the party were

accused of listening to it, and of enjoying it; of encouraging it, and of benefiting by it. It was not necessary for their purposes that they should do more. Still there were some public expressions used which sanctioned that outcry. "Aliens!" was the phrase used by one leader. "Minions of Popery" was the term employed by another. The Catholic priesthood, regarded with the deepest reverence and love by their flocks—and, from all I have heard, I believe they deserve that reverence—were assailed with most scurrilous epithets and rancorous abuse. They were called a "demon priesthood," and "surpliced ruffians." They were stigmatised from the Protestant pulpit as "priests of Baal" and as "false prophets" whose blood, like that of Jezebel, was to be licked by dogs. Not content with throwing these obstacles in the way of the Executive Government, and mutilating every measure brought in for the benefit of Ireland: the Opposition of that day assumed an offensive attitude, and determined on bringing in a measure of their own for depriving Ireland of one of her advantages. They called it a measure for the Registration of Electors, but they now admit that it was an Act of Disfranchisement. I desire to take my description of that measure from no lips but their own, and what they would not then admit they admit most fully now. We said, if you impose a much more stringent mode of registration, you disfranchise the great body of the Irish voters. You denied it then, you admit it now. Am I to believe that you did not know all this as well in 1840 as in 1844? Has one fact been stated now that was unknown then? Has a single argument been brought forward now that was not then urged, and urged twenty, thirty, forty times on the floor of this House? But your explanation is, that the responsibility of office now rests upon you—that is, that you use your power to injure your country only when you are in Opposition, as a means of getting into office. Well, Sir, in place these Gentlemen are. It was very fit that such service should have its reward. It has had its reward. Several causes concurred to place

them in the situation they now fill; but I believe the principal cause to have been the discontent which they excited in England against the Irish policy of the late Government. I believe that to have been the principal cause—and that it was a principal cause will hardly be denied. But in the eagerness for the contest they called up a spirit more easily evoked than laid—the spirit of religious intolerance. That spirit placed them in power, and then began their punishment, which continues to this day, a memorable warning to unscrupulous ambition. It was pleasant for them to hear the sermons of the Rev. Hugh M'Neile; to hear their cause represented by the High Churchmen, the Low Churchmen, and the Dissenters, as the cause of the Gospel, struggling against spurious Liberalism which made no distinction between religious truth and religious falsehood,—it was pleasant to hear that their opponents were the servants of Antichrist, the slaves of the Man of Sin, and marked with the Sign of the Beast; but when they came into power, they found they had to govern in this island and in Ireland about 8,000,000 of Catholics, who had been constantly, by themselves or their followers, insulted and defamed—what was the necessary result? I give them the fullest credit for not wishing to do the country the smallest harm—that was not necessary for the overthrow of their political opponents; and I give them credit for all the declarations they have lately made as to their desire to appoint Catholics to place in office. I believe in their sincerity, when they say they would wish to find a Conservative Catholic lawyer at the Irish Bar to elevate to the Bench. Nothing, no doubt, would delight them more than to find a Catholic Conservative Gentleman of good talent for business, and ability of speaking, to assist them in the business of Government. I believe all this; but they say, they cannot promote their enemies; and what I want to know is—why are all the Catholics in the Empire their enemies? Was such a thing ever heard of before? Here are 8,000,000 of people of all sorts of professions, all sorts of charac-



ters, of all ranks, the Peer, the lawyer, the merchant the peasant, ranging from the Hereditary Earl Marshal, the heir of the Howards, the Mowbrays, and the Fitzallans, down to the poorest Catholic labourer of Munster—and all these are arrayed against the Government—was there ever anything like it? Is there anything in Catholic theology of a tendency to ally itself with Whig and democratic doctrines? On the contrary, its tenets are of an opposite tendency, and without going into questions of theology, it has been thought that, of all forms of Christianity, Catholicism is that which attaches most importance to antiquity, which rests upon immemorial usage; and it would, therefore, appear consistent with analogy, that there should be a tendency among Roman Catholics to Conservatism. And so I believe it will be found. In the Civil War, was there a single Catholic in the army of Fairfax? How many did they think fought against Charles I.? Not one. They were all arrayed under his banner. And when the reward of 5,000*l.* was placed upon the head of Charles II., Catholics of all ranks were found faithful to him, and amongst them he took refuge. Who stood so firmly as the peasantry of that faith to the cause of monarchy? It was so in La Vendée—it was so in the Tyrol—it was so in Spain; and are we now to believe that under a fair Government, a just Government, an equal Government, the professors of the Catholic faith in Ireland would not be found friendly to that Government? My own belief is, that the Tory party made the greatest blunder they ever committed when they threw the Catholics overboard. My belief is, that those who are acquainted with Mr. Burke's writings, which I believe were the source whence Mr. Pitt drew most of his opinions with regard to Ireland, will be aware that Mr. Burke considered the attachment of the Catholics of Ireland to the Government might be well secured if the Government treated them with kindness, and that their attachment would be a great barrier against the inroads of Jacobinism. Under the influence of that opinion, he was in the latter part of his life the

warm advocate of the Catholics. He justly considered that the alliance between a large portion of the aristocracy, with the venerable institutions of the country, and the ancient Church to which they were attached, was so material, that nothing but madness could prevent the alliance. That opportunity of forming such an alliance was thrown away by the pretended disciples of Mr. Pitt, who, professing to drink his health on his birth-day, as the saviour of his nation, have renounced every one of his principles. Now see where all this ends. You are forced to bestow your patronage among the Protestants, that class of ultra Protestants who may be called Orangemen, though I do not speak of them as connected with Orange Societies. Then these appointments must necessarily increase the discontent of the Roman Catholic body, and this discontent goes on producing and reproducing, and will continue to go on, and will go on reproducing similar results, unless Parliament shall furnish a great and decisive remedy. By the principles upon which the present Government, I believe, acts, as far as respects all favour of the Crown, the great measure of Emancipation is utterly annihilated. Of all the boons that were supposed to have been conferred by the Act passed in 1829, Catholics of Ireland have, as far as I conceive, obtained only one, and that is, admission to Parliament; and they would not have possessed even that, if the present Government, when in opposition, had been able to pass their Irish Registration Bill. The wounded national spirit, the wounded religious spirit now breaks out, and shows itself in a hundred forms, some of which I abhor, and some I condemn, but none excite my amazement, and all seem the natural effects of gross misgovernment, acting on strong sensibility. You refuse to admit the Roman Catholic to a fair and full communion in the Constitution, and he, therefore, finds out a narrow local patriotism, confined to Ireland. Turn where he will he sees every office, and I may add, stall, filled with those whom he considers, and not without reason, as his enemies. What more natural than that a

people in such a situation should set up their own tribune, against the regular constitutional authorities of the country ! They all remember, and it would be strange if they did not, what their union, under the same guidance as now, extorted from your fears, in 1829, and they have determined to try whether similar effects cannot be produced from the same means in 1844. These are your difficulties, and they are of your own making. Great statesmen have sometimes brought themselves into difficulties, and have yet retrieved their credit for wisdom and firmness by the manner in which they extricated themselves. Let us see then, how you meet your difficulties ; and first with regard to legislation. The beginning and the end of all your legislation, last Session, for the evils of Ireland were comprised in your Arms Bill. There was no conciliation in that ; and it was not worthy the name of a measure of coercion, but simply a measure of petty annoyance. It satisfied the desires and was sanctioned by the judgment of neither side of the House. We called for a boon of a different sort for Ireland, whilst your Friends, or many of them, called for a still more vigorous coercive measure ; and one noble and learned Lord was so much struck by your remissness in this respect, that he even bestowed some of his own great abilities in framing an Irish Coercion Bill. The fruit of your legislative wisdom in the last Session of Parliament, then, is the Arms Bill only. Then, as to the executive measures of administration which you have dealt out to Ireland, during the recess, I protest in the strongest manner against what was said by the noble Lord the Secretary for the Colonies, the last night the House met, that in his opinion no reasonable man could find fault with the Government on this ground, because it was proved that it had done all that was possible. Now by the statement of the Government itself, it appeared plain that the Proclamation against the Clontarf meeting was agreed to on the Friday morning ; and for them to say that it could not have been made known in Dublin and its suburbs until after dark on the Saturday evening was an



absurdity. It was idle to weigh the words of a Proclamation at such a time when they should have been occupied in weighing the lives of the Queen's subjects. No rational person will venture to say, if there had been in the minds of the rulers of Ireland a proper sense of the hazards they were running, that that Proclamation could not have been published in Dublin and its neighbourhood early on Saturday morning, by which the hazard of the loss of many lives might have been avoided. And by whose agency was that evil warded off? By the interposition of the man you have prosecuted. Fortune stood your friend, and he stood your friend, and it was by his exertion mainly that, in all probability, a scene more terrible than that which occurred at Manchester was prevented. But I will pass from that, and come to the prosecution. The charge I make against this prosecution is one and simple. The one main charge I bring against the Government is this, that they seemed not to have considered the nature of such a prosecution; that they regarded it as proceeding in a suit of *meum* and *tuum*, in a *qui tam* action for the recovery of penalties. They considered nothing but this—whether they could get together such evidence as to facts, and such opinions as to law, as would entitle them to a verdict and a judgment. Now, my opinion is, that both the verdict and judgment in a great political case are the very smallest part to be considered. What the Government has to ask itself, when instituting a great public prosecution, is, will our moderation and justice stand the test of public opinion? What will be the effect produced on the public mind by our proceedings? Of course, the law must be strictly observed, but that is only one of the conditions of a public prosecution. To make it wise in the Government to adopt such a measure as a prosecution, it is necessary that its conduct should be such, not only that it could not be questioned, but that prejudice itself could not cavil at it. You were instituting a prosecution against an individual of whom I feel considerable delicacy in speaking in his present situation—a situa-

tion which, however, did not prevent an hon. Member from vindictively assailing him, which but one man in this House would do. My belief is that, as regards the end that hon. Gentleman has lately been pursuing, it is not only mischievous but wholly unattainable. I regard with deep disapprobation some of the means pursued to obtain that end; and in saying this, I wish to speak with the respect that is due to eminence and misfortune; but with the respect that is due to truth. I must say, too, that the position which Mr. O'Connell holds in the eyes of his fellow-countrymen, is a position such as no popular leader in the whole history of mankind ever occupied. You are mistaken if you imagine that the interest he inspires is confined to this island. Go where you will upon the Continent, dine at any *table d'hôte*, tread upon any steam-boat, enter any conveyance, from the moment your speech betrays you to be an Englishman, the very first question asked—whether by the merchants or manufacturers in the towns in the heart of France, or by the peasant, or by the class who are like our yeomen, the first question asked is, what has become of Mr. O'Connell? [*Oh, oh.*] Let those who deny this assertion take the trouble to cross the Channel and they will soon be convinced of its truth. Let them only turn over the French journals. It is a most unfortunate, a most unhappy fact—but it is impossible to dispute—that there is throughout the Continent, a feeling respecting the connection between England and Ireland not very much unlike that which exists with respect to the connection between Russia and Poland. I do not approve of this feeling, but it is natural that it should exist. Without adverting to the immense jealousy which the great power of England produces, I may remind the House that the Irish agitation has on the Continent two aspects, which enlist the sympathies in common of Royalists and Democrats. As a popular movement, it is looked upon with favour by the extreme left in France, or by the democratic part; while, by its involving the cause of Catholicism, it obtains for itself the coun-

tenance of the extreme right, and of those who espouse the cause of the Pretender; and in this manner it has probably created a wider interest and more support on the Continent of Europe than any other question of our domestic politics was ever known to command. I do not, it is unnecessary for me to say, urge this for the purpose of frightening the English Government; but I do say, that on such a question, it is of the greatest importance that the proceedings which the Government have taken should be beyond impeachment, and that they should not have sought a victory in such a way that victory should be to them a greater disaster than a defeat. Has not that been the result? First, is it denied that Mr. O'Connell has suffered wrong? Is it denied that if the law had been carried into effect without those irregularities and that negligence which has attended the Irish Trials, Mr. O'Connell's chance of acquittal would have been better—no person denied that. The affidavit which has been produced, and which has not been contradicted, states that twenty-seven Catholics were excluded from the Jury List. [Mr. *Sheil*: Hear.] My right hon. and learned Friend, whose voice I hear, is competent to do more justice to this part of the subject than I possibly can. But take even the statement made the other night to the House by the right hon. and learned Gentleman opposite, the Recorder of the city of Dublin. He said, that twenty-four names, the majority of which were Roman Catholics, had been omitted. It is very easy to talk of 720 names being reduced to forty-eight; but what is the forty-eighth part of 720? Fifteen. Now, if these fifteen names happened to be Roman Catholics, there was an even chance, that another Catholic would be one of the forty-eight. But it is admitted, that twenty-seven Catholics were omitted from the list; and this would give almost an even chance of there being two Catholics among the forty-eight. Will any human being tell me that Mr. O'Connell has not, by that violation of the law, suffered a distinct wrong? Will any person say, that it is impossible, or that it is



not even very highly probable, that a different result might have taken place but for this blunder? For, remember the power which the law gives to any one jurymen. It is in the power of any jurymen, if his mind is made up, to effect a conviction or an acquittal. But is this my opinion alone? What is the language of Judge Perrin? As I find reported in the papers favourable to the prosecution, he said, that in the getting up this part of the case there were great negligence, failure of duty in regard to the striking of the Jury, and that he was not prepared to say, that that was the result of accident, or that there were not circumstances of suspicion. Why, this was the statement of one of the Judges; and when the noble Lord calls upon us to pay respect to what the Judges say, are we not bound to regard his words? That learned Judge must necessarily know better than I can, or than any other Englishman can, what sort of tricks are likely to be practised in the striking of a jury in Ireland, and he says that he is not satisfied that this blunder was the effect of accident. But I now come nearer to the business—I come to the right hon. Baronet, the Secretary of State for the Home Department, who said, and truly said, “We are not responsible for this.” I know the right hon. Baronet is not. The right hon. Baronet added, “I regret it most deeply—I wish it had been otherwise, for I feel, that by this matter a prejudice has been created to the administration of justice.” This is exactly what I regret. I say a prejudice has, by this transaction, been created to the administration of justice. I say the taint of suspicion has been thrown upon the whole of these proceedings. Nothing can be more true, and I wish to know what must be the practical effect of these words? I wish to know whether, in a great cause upon which the eyes, not only of Europe, but of the civilised world, are fixed, it is not the only noble and manly part for the Government to take to say: “A mistake has taken place—that mistake has created a prejudice to the administration of justice, and we cannot, and will not, avail ourselves of the conviction so obtained.” I am

ready to take the facts as they have been stated with regard to the striking off the names from the list. There may be very good and excellent reasons, no doubt, for doing so—but does that settle the question? Is not the question this—was it possible in a great case, pending between two great religions and races, to have a fair verdict at the hands of a Jury of Protestants? I know that all the technicalities of the law were on the side of the Crown, but my great charge against the Government is, that they have merely regarded this question in a technical point of view. We all know the principle upon which a jury *de medietate lingue* was founded. Suppose a Dutch sailor landed on our shores in a broil stabbed an Englishman. For that offence he would not be left to be tried by twelve Englishmen. No; our ancestors knew that that was not the way in which justice could be obtained—they knew that the only proper way was to have one-half of the jurymen of the country in which the crime was committed, and the other half of the country to which the prisoner belonged. If any alien had been in the situation of Mr. O'Connell, that law would have been observed. You are ready enough to call the Catholics of Ireland “aliens” when it suits your purpose—you are ready enough to treat them as aliens when you can raise a prejudice against them: but the first privilege, the only advantage of alienage, you practically deny them, when you refuse them in a case above all others requiring it, a jury *de medietate lingue*. Is it possible that any reasonable man can conceive, that in a case in which the feelings of two sects and creeds are set against each other, a Jury composed of one of these sects could do justice? But could you not have avoided this? Why should you not have had a common Jury? A common Sheriff's Jury, containing several respectable Catholics, who were not members of the Association, was not difficult to be obtained. A trial by such a jury would have tended much to settle men's minds, and to conduce to the pacification and quietude of the Irish portion of Her Majesty's dominions. But you

—the Government—have now got a verdict from a Jury impanelled contrary to law—a verdict from a jury from the constitution of which no man could expect justice—a verdict delivered after a charge from the Chief Justice which has been pronounced unprecedented, but which I will not say is unprecedented, because it so strongly resembles some of the charges communicated to juries in the State Trials which distinguished the seventeenth century! With this panel—with this jury—with this charge—you have obtained a verdict, and what are you the better for it? Has the verdict tended to quiet Ireland? I know that Ireland is quiet at the present moment, and will be so probably, from the present time until that at which the sentence shall be executed, because the whole Irish people, feeling the deepest interest in the fate of that eminent man, their leader, will avoid doing anything which may place him in a more dangerous position. But your difficulties will begin when a prison's wall closes upon the hon. and learned Member for Cork. By what means do you intend to prevent a very serious and strong outbreak of popular feeling? Is it possible that a man who has possessed himself so boundlessly of the feelings of the Irish people is all at once to lose his popularity, because he has become a martyr. I am as much attached to the Union as any hon. Gentleman, and as much opposed to the demand made for its Repeal. If I, who am as much attached to the Union as any Gentleman opposite, and who as much dislike some of the means which have been used to excite the people against it—if I cannot in my conscience say that Mr. O'Connell has had a fair trial—if the right hon. Gentleman opposite (Sir J. Graham), who tells us that "a prejudice has been created to the administration of justice," cannot say it—if Englishmen, friends of the Union, cannot say that no suspicion lies on the verdict, and are convinced of its unfairness, what must be the feelings of the people of Ireland—the people who agree with Mr. O'Connell, and heartily assent to all the views which he propounds to them in his ardent and enthusiastic



speeches. And what are you to expect from his incarceration ! The power of his name will remain to stir up their minds, though you deprive them of his presence, which has been so often exerted in preventing their excitement from breaking into acts of violence. This seems to me to have been your conduct as to the past. And now as to the future. Your executive measures, I fear, are of the same sort. What have you given them hitherto ? Soldiers, barracks, a useless State prosecution, and an unfair trial. And what have they now to look forward to ? An unjust sentence—its infliction, and more barracks and more soldiers. With respect to your legislative measures, it is true you propose a bill for the Registration of Irish Voters, coupled with an increase of the Franchise. But what the provisions of that measure are we cannot as yet foresee ; all we know is that the subject is one on which it is impossible for you to legislate at once with credit to yourselves and with benefit to the public ; all that we can say with confidence is, that the measure must either be destructive to the representative principle in Ireland or to the remnant of your own character. Of the Landlord and Tenant Commission I say nothing. On that subject, too, a report is to be made, but when we shall have the report nobody can say. On some future occasion I may have an opportunity of going at length into another very important question, I mean the Established Church in Ireland. All I can do now is to take some short notice of the manner in which the question has been alluded to in the course of the debate. I must say that I have heard declarations on this subject from some Gentlemen opposite with which I am highly delighted. I only regret that their votes will not accompany their speeches. But from Ministers we have heard nothing except this—that the Established Church is there, and that there it must remain. As to the speech of the noble Lord (Lord Stanley), when I hear such a defence of the Establishment from a man of his eminence, what inference can I draw but that nothing better can be said for it ? What is the

noble Lord's argument. That in 1757 and 1792, and, I believe, some other years, when Roman Catholics were seeking the removal of penal laws and disabilities, they did not complain of the Established Church as a grievance. Is it not, let me ask, perfectly notorious, that such is the ordinary progress of all questions? When men are at a distance from their desired object—when they, perhaps, so little hope of ever attaining it, they do not go the full length of even their just demands; but after the men who sought less have been thirty years in their graves, and circumstances have entirely changed, their successors may have a right to take up a different position. The noble Lord now comes to us and tells us what the Catholics said when suffering under the penal laws, as if that were a reason for our not taking into consideration the state of the Church in Ireland. Why, I will give the noble Lord a proof to the contrary from his own practice. Does not the noble Lord know that during the discussions on the Slave Trade, all who spoke disclaimed in the most earnest manner any desire for the emancipation of the slaves; nay, emancipation was not then so much as thought of, and the speeches of Lord Grenville, Mr. Pitt, Lord Howick, and of my honoured and revered friend—of whom I can never speak without respect and regard—Mr. Wilberforce, were directed against the Slave Trade, and did not say one word about emancipation. I know that in 1807, when the Duke of Northumberland, in the ardour of generous youth, rose to propose a bill to abolish slavery, Mr. Wilberforce pulled him down, and told him that their first object should be to abolish the Slave Trade. But did the noble Lord (Lord Stanley) feel that that was a reason to be urged against him when he brought in his Bill to abolish slavery? When he had pointed out with so much eloquence the horrible evils of the whole system, suppose any man had got up and said that in 1792 Mr. Pitt and Mr. Wilberforce only wished to abolish the Slave Trade, would that have been considered an answer to the noble Lord, who was anxious by his Bill to emanci-

pat the slaves? Thus the noble Lord's argument is confuted by his own practice. Then as to the Act of Union, it seems that the fifth Article sticks in the noble Lord's throat: that must on no account be altered. But does not the fourth Article of the same Act fix the number of Members who should sit in this House? Yet the fourth Article has notoriously been abrogated, and who brought in the Bill to abrogate it? The noble Lord. Next comes the question of the Roman Catholic oath; and here, were the noble Lord present, I might be disposed to say something more severe than I will utter in his absence. I will, therefore, confine myself to the strict bearings of the case, and putting the argument of the noble Lord to the utmost, it amounts to this, that the Roman Catholic Members should walk out into the Lobby when ecclesiastical questions are about to be discussed, but not that the Protestants who might be left within the House should not discuss and mature measures for altering the relation of the Establishment in Ireland, to the people? Is it any argument to say, that when a particular man is tied up by an oath no one else shall presume to touch the matter against touching which he is bound; that when the Roman Catholic Members should have left the House the 640 remaining Members could not discuss the Oath or the propriety of altering the condition of the Established Church in Ireland? Surely this is the strangest argument that was ever addressed to the House. I do hope, that the right hon. Baronet opposite (Sir R. Peel) will deal with the subject in a larger manner—in a manner worthy of his high position and eminent character. He I am sure will not come down with a piece of *Hansard*, or with old declarations made in '57 and '92. I do hope that he will grapple with that subject like a great statesman, and not palter with it like a puny politician. Let him consider these questions:—Is the institution a wise one or a bad one? What are the ends for which an Established Church exists in Ireland? Does the Established Church in Ireland accomplish those ends?



Can a Church which has no hold in the hearts of the great body of the people be otherwise than useless, or worse than useless? Has the Irish Protestant Church any hold in the hearts of the great body of the people? Has it, during the two centuries and a half that it has existed in Ireland, made any vast conquests of conversion or proselytism? Has it been what the Churches of England and Scotland have been called with much justice, the poor man's church? Has it nursed the great body of the people in virtue, consoled them in affliction, or drawn down upon itself the respect and reverence of the Nation and the State? To be able to answer these questions in the affirmative is the true and rational defence of the Church of Ireland, not by making quotations from forgotten speeches, or producing passages from mouldy petitions, presented in the time of George the Second, and ever since laid by with legislative lumber. Do not let us again be told that many years ago all which the Roman Catholics asked was the removal of certain penal laws: why, in 1757, no Roman Catholic would have gone even the length of requiring admission into Parliament. They did not then carry their demands for justice half the length of what they have since obtained. I think I have now said enough to justify the vote I shall give in favour of the motion of the noble Lord. I think that the evils we deplore have been brought upon Ireland by a false and pernicious policy. I think that the mode in which it is proposed to deal with those evils will tend, not to lessen, but to aggravate them. While the present system is pursued in Ireland it is impossible that she can be peaceable; and, until Ireland is peaceable, the British empire cannot enjoy her full power and proper dignity. The accordance of all classes is necessary to her strength, and her dignity is identical with her security. In every negotiation, whether with France on the Right of Search, or with America on the Boundary, while Ireland continues discontented that fact will be uppermost in the minds of the diplomatists on both sides, and while it restrains and cripples the one, it will

embolden and invigorate the other. Such must be the necessary and inevitable consequence. This is, indeed, a great and splendid, a mighty Empire, well provided with means of annoyance, and with weapons of defence. She can do many things which are far beyond the power of any other nation in the world; she dictated peace to China; she governs Australasia, and she rules Caffraria. Should occasion again arise, she could sweep from the surface of the ocean the commerce of the world, and, as formerly, blockade the ports, and spread her triumphant flag from the Baltic to the Adriatic. She is able to maintain her Indian Empire against every threatened hostility, whether by land or sea; but, amidst all this vast mass of power there is one vulnerable point—one spot unguarded, and that spot nearest to her heart; a spot at which, forty-five years ago, a deadly, happily not a fatal, blow was aimed. The Government and Parliament, each in its sphere, is deeply responsible for the continuance of such a lamentable state of things, and for my part of that responsibility, I intend to clear myself by the vote I shall give in favour of the motion of my noble Friend, and I trust that I shall find with me so large and respectable a body of Members of this House, as shall satisfy the Irish Catholics that they still have friends in England, and that they need not yet relinquish all hope of protection from the wisdom and justice of an Imperial Parliament.

## DISSENTERS' CHAPEL BILL.

JUNE 6, 1844.

IF ever there was an occasion on which I could desire to have before me the two examples, in the discussion of a measure like this, both as to the temper in which I should wish to debate it, and the temper that in speaking of it I ought to shun, then both these examples have been given me by the Mover of the second reading, and the Secunder of the Amendment. I despair, Sir, of adding much to the very powerful and luminous arguments of the hon. and learned Gentleman who, to our great joy, has again appeared amongst us; but I am unwilling to allow the debate to proceed further without offering some observations to the House. Sir, I think it desirable that some person should rise on this side of the House, generally occupied by those the most strongly opposed to the existing administration, for the purpose of declaring a cordial and warm approbation of this honest, this excellent Bill, and my firm conviction, that none but the best and purest motives have induced the Government to bring it forward. I am glad also to bear my testimony to the exceedingly mild and temperate manner in which my hon. Friend the Member for Oxford has discussed this subject. I most highly approve of the resolution which he formed, and to which he so faithfully adhered, of treating the question as one of *meum* and *tuum*, and not as one of theology. But whatever the hon. Baronet omitted, has been fully supplied by the Secunder of the Amendment, for from him we have heard a speech, in which there was an utter and complete absence of



everything like argument or statement of fact, in which there was not even a shadow of reason, and there was nought to be heard but the language of theological animosity. In many of the petitions presented on this subject I have grieved to discover the exhibition of similar feelings, and when the hon. Member opposite asks me why I do not suppose the petitioners competent to judge on this matter, my answer is, because they treat it as a question of divinity, when they should but have looked at it as a question of property; and when I see them treat a question of property as a question of divinity, then I affirm, that however numerous they may be, they prove themselves not competent to judge this question. If the persons who desire this measure be orthodox, that is no reason that we should plunder others to enrich them; and if they be heterodox, that is no reason why we should plunder them to enrich others. I should not think it honest to support this Bill if I could not conscientiously declare, that whatever the religious persuasion may be of those interested on the occasion, my language and vote should be precisely the same. If instead of their being Unitarians, with whom I have no peculiar sympathy, it were a Bill in favour of the Catholics, of the Wesleyan Methodists, or the Baptists; if it were in favour of the old secession Church of Scotland, or of the free Church of Scotland, my language and my vote would be precisely the same. It seems to me that the point in all this matter, that on which great stress is laid, is the second Clause of the Bill. I can hardly conceive that there is any Gentleman in the House prepared to vote against the first Clause; that any would vote against the third, merely because of a marginal error in that Clause, or that because there is a provision respecting pending actions at law, he would vote for refusing a second reading to this Bill. As to the first Clause, I have heard of no objection made to it. My hon. Friend the Member for the University of Oxford, if I understood him rightly, said, that if the Bill contained only the first Clause, it would not necessarily be

exposed to his opposition. Indeed I do not think it would be easy for him, with his candour and humanity, after the clear, powerful and able manner in which this part of the case was stated by my hon. and learned Friend, to oppose that Clause. We come then to the second Clause, and here lies the whole stress of the matter. The second Clause is one that rests upon this principle, that prescription as a general rule ought to confirm the title of those in possession,—that there ought to be a term of limitation, after which a title that might have originated wrongfully cannot rightfully be set aside. Certainly I never could have imagined that in an assembly of reasonable, civilized, and educated men, it would be necessary to offer a word in defence of prescription as a general principle, if I had not been painfully instigated to it by that body of sages lately assembled in conclave at Exeter-hall. I should have thought it as much a waste of time of the House, as to make a speech against the impropriety of burning witches, or of trying a right by wager of battle, or of testing the guilt or innocence of a culprit by making him walk over burning ploughshares. They did me the honour to communicate to me the burden of their opinions, that this principle of prescription, as declared by the present Bill, is untenable and unworthy of the British Legislature. They said that this principle of legislation, adopted for the purpose of terminating and quieting people in possession, is a principle untenable, and one that is unworthy of a British Legislature; and they added, “the present Government is inconsistent in bringing forward a Bill containing this principle of limitation, because that Government has created two new Vice Chancellors.” If these Gentlemen are bad logicians, they are just as bad jurists. I stand here as the advocate of prescription, and I do not forget the prescriptive right which the gentlemen who assemble on the platform of Exeter-hall have of talking nonsense. It is a prescriptive right which may be abused, and in the present case it is my opinion that it has been abused. At all events this must be evident, that if

these gentlemen are in the right, all the master philosophers, all the jurists, and all the bodies of laws by which men are and have been governed throughout the civilized world, are fundamentally in the wrong. How, it may be asked, can any civilized society exist without the aid of that untenable principle which is said to be unworthy of a British Legislature? It is in every known part of the world; in every civilized age; it was familiar to the old tribunals of Athens; it formed part of the Roman jurisprudence and was spread with the imperial power over the whole of Europe. It was recognised after the French Revolution, and when the code Napoleon was formed, that very principle of prescription was not forgotten. We find it both in the East and the West; it is recognised by tribunals beyond the Mississippi, and in countries that had never heard of Justinian, and had no translation of the Pandects. In all places we find it acknowledged as a sacred principle of legislation. We have it amongst the Hindoos as well as amongst the Mexicans and Peruvians; in our own country we find it coeval with the beginning of our laws. It is bound in the first of our Statutes—it is close upon our great first Forest Charter—it is consecrated by successive Acts of Parliament—it is introduced into the Statute of Merton—it is found in the Statute of Westminster—and the principle only becomes more stringent as it is carried out by a succession of great legislators and statesmen down to our own time. You have been convinced by experience of the advantage of this principle, and you have found that when particular points have been left unguarded by it, oppression has been the result, and legislation has been called in to remedy the evil. Sir George Saville brought in a law, barring the claims of the Crown; Lord Tenterden brought in a Bill, barring the perpetual claims of the Church. Go where you will, you will see it in the civil legislation of every country. You will find in our body of laws a perfect agreement as to this principle—you will find it in our first Great Charter—you will find it enforced



by the Imperial and Greek Jurists—you will find it adopted by the great men that Buonaparte brought about him—ay, and you will even find it amongst the Pandects of the Benares. How, unless there has been some universal sense of the great good it contained, and of the great evil of wanting it, could men have been brought by distinct paths to the same conclusion? Is it difficult to see how men have arrived at this conclusion? Is it not clear that the principle of prescription is essential to the institution of property itself, and that if you take it away, it is not some or a few evils that must follow, but general confusion? Only imagine if you were to do away with this principle in Exeter-hall—I beg pardon, I meant Westminster Hall—only imagine if you were to strike out this principle—if you were to intimate that it was unworthy of the British Legislature—what confusion would be the consequence? Only imagine any man amongst us being liable to be sued upon a bill of exchange accepted by his grandfather in the year 1760—only imagine, if a man had an estate and manor coming to him from his father, and grandfather, and great grandfather, and yet liable to be turned out of possession, because a will or a deed in the reign of Charles I. was found in some old chest or cranny. Why, if this could be done, should we not all cry out, that it would be better to live under the rule of a Turkish pacha than under such an intolerable evil? Is it not plain that the enforcement of obsolete rights would in effect be committing absolute wrong; that this extreme rigour of law, without a limitation of time, would be a system of great and methodised robbery? If this then be the general principle, and if it is proper to establish a certain limit to rights, then I wish to ask how it is that it is not to apply to the case before us? I have read the petitions that have been presented here—I have heard the arguments of my hon. Friend the Member for the University of Oxford; and I should have heard, if he had any to state, the arguments of the hon. Member for Kent. My hon. Friend did his best to take this

case out of the general principle; but instead of that his arguments were against the principle of limitation itself. He has said that here the measure arises out of wrongful possession. Why all the statutes of limitation do. My hon. Friend says, this is *ex post facto*. What act of limitation is not so, to a certain extent? Let him go to the Statute of Merton, passed in 1235; to the Statute of Westminster, in 1275; to that of James I., in 1623; to that introduced by Sir George Saville, or that by Lord Tenterden, and he will find that every one of them had a retrospective effect. He will find that every one of those Acts looked to the past as well as to the future. Reasoning and reflecting men approved of this; every one approved of it; and until religious bigotry was aided by chicane, there was no one to find fault with it; and no one to differ from the general opinion. There is not a single Act for healing existing defects in titles that does not take away a right which, if such a law had not passed, would have existed. The 2nd Clause of this Bill does not differ from any statute of limitation that has ever been passed. The opponents of the measure said, "It is a reason against the Bill that you make the length of time during which these parties have been doing wrong a justification for them. It is an aggravation of the case, for you suffer this length of time to be a reason for consecrating the wrong." This is the case wherever the principle of limitation exists. It is a greater wrong to my tailor if I refuse to pay him for 20 years, than if I refuse to pay him for 12 months; but the law says that at the end of 12 months I must pay him, whilst at the end of 20 years I am not bound to pay him. It is the same with an estate. It is a greater evil for a gentleman and his family to be deprived of his property for five generations than for five days; and yet, after an ejectment of five days you may be restored to your estate, but at the end of five generations the right is barred. Every argument used against us on this occasion, is an argument against the whole principle of limitation; and if there be a case in

which limitation ought to be applied, this, I would say, is the very case : suppose a person is turned out of an estate after holding for sixty or ninety years (about the time which the Members of the Unitarians are said to have held their chapels), then, bad as that might be, still all you would do, would be to take away from the individual that to which he had a defective title. He could lose nothing that was his own. But the property of the Unitarians is so mixed up with the acquired property under trustees, that it is impossible to take away the mere original soil, without also taking away something of great value, which is unquestionably their own. It is not a case of ordinary property, in which a man gets rents and profits, and expends nothing and loses nothing beyond the original value of the land. And yet limitation in this case is petitioned against as a grievance. Have Gentlemen bestowed their attention upon the petitions presented against this Bill, they are filled with vague declarations and theological invective ; whilst the petitions in favour of the Bill contain statements of great practical grievances. Take for instance the case of Cirencester. The meeting-house was built in 1730, and it was in proof that in 1742 there were preached there Unitarian doctrines. That was twelve years after the chapel had been founded, and when a great many of the original subscribers must have been living. Many, too, of the present congregation were the lineal descendants of the original subscribers, and large sums had been continually laid out by them in embellishing the chapel. Now doubts were raised as to their title. Then there was Norwich, where, in 1688, a great dissenting meeting-house was established. At an early period anti-Trinitarian doctrines were professed, and so it went gradually on, until at length, in 1754, it was certain that both the preacher and the congregation were Arianists. At the present moment there is all round the meeting-house a burial-ground, in which there are the gravestones of Unitarians. A library is attached to the school-house. All these expenses have been incurred, and at this



moment the hands of the congregation are tied down, and they dare not build nor repair until they know whether their title be good. Such is the common, the ordinary history of these congregations. Go to Manchester, go to—I do not know that I have cited the best cases for my argument—but go to Manchester where I am certain Unitarianism has been preached for seventy years—that large sums have been laid out upon the chapel, and that it is, moreover, the place where Priestley himself once taught. Or take Leeds—I am assured that 4,000*l.* has been subscribed for repairs to the principal Unitarian chapel there—that it is lying idle, because they dare not repair a single pew while this matter is pending. Go to other places—go to Maidstone—every where you will find the same story—there 700*l.* had been subscribed within a short period. At Exeter Unitarianism has been preached for eighty years, and 2,000*l.* has been expended upon the chapel. At Coventry, Bath, everywhere—I repeat, it is the same. Now, are these chapels places of which a British Legislature will consent to rob their possessors? I say “rob”—I can use no other, no lighter word. How would you feel were such a proposition made as to other property? Would it be borne? And what are those who oppose this Bill to get in comparison to what those who are injuriously affected by it are to lose? What feelings have these latter associated with Priestley’s pulpit—with Dr. Lardner’s pulpit? What feelings have they connected with the places wherein Unitarian doctrines have so long been taught, and around which are the gravestones which pious love has placed over the remains of dearly prized sisters, wives, fathers, brothers—that these associations are to be so rudely disregarded, and structures wrenched from those to whom they are so valuable? To those who seek to obtain possession of them, they are of no value beyond that which belongs to any place in which they can get a roof over their heads. If we throw out this Bill we rob one party of that which that party considers to be invaluable, to bestow it upon

another stronger party, who will only value it as a trophy of victory won, and as an evidence of the humiliation and mortification of those from which it has been wrested. An imputation has been thrown out—not, I think, here, but it has been thrown out in many other places—I say an imputation of fraud has been applied to the Unitarian congregations holding the chapels now in dispute. It has been said that they quite well knew the meaning of the original founder—that they knew that his views were Trinitarian; that nevertheless they had not acted up to those views, and that therefore they were guilty of fraudulent misapplication of funds, and fraudulent misapplication of lands and buildings. And further, Sir, it has been said by a great authority upon such matters, that they must have been, necessarily, down to a comparatively recent period, either Trinitarians or counterfeit Trinitarians. Sir, it has been said that until 1779, every Dissenting teacher was under the necessity of subscribing to the Articles of the Church of England, and that if he was an honest man he could not have subscribed to them, and have been also an Unitarian. Therefore the inference is clear, that persons who taught in meeting-houses down to 1779 were either Trinitarians or rogues. Now, they were neither the one nor the other, and the eminent person who stated the contrary, intimately acquainted as he must be with the history of that Church to which he is an ornament, and who is, or ought to be, equally familiar with the annals of nonconformity, must know that from a very early period, the practice of compelling Dissenting Ministers to sign the Articles of the Church of England was not persisted in. There were many eminent Dissenting ministers of early days who never signed them. Dr. Calamy resisted, and was not molested; and if it was so at an early period of the history of nonconformity, when penal laws were strictest—when, as the vulgar proverb has it, it might have been expected that new brooms would have swept clean—is it not to be supposed that, at a later period, their

operations would have become still more lax? But the truth of the matter is this. As early as 1711, when the Whigs, by means of their coalition with Lord Nottingham, managed to get the Occasional Conformity Bill through the House of Lords, they inserted, by way of a favour to the Dissenters, a clause which very much took away the stringency of the obligation to subscribe to the Articles of the Church. This clause provided, that if a person informed against a Dissenting teacher for not having signed the Articles, the latter could, at any stage of the consequent judicial proceedings pending the judgment, defeat the information by signing the articles, a proceeding which, it was also enacted, should throw the whole burthen of the costs upon the shoulders of the informer. The House may conceive that very few informations were likely to be laid under such conditions. The truth is that in 1773, it was stated both in Parliament and in papers put forth by the Dissenting body at that period, that the majority of Dissenting preachers then teaching had never subscribed the Articles. Therefore, I maintain that any argument grounded upon the supposed insincerity of the Unitarians falls valueless to the ground. As the case now stands, then, can it be necessary to prove how easily, how insensibly, how naturally, these congregations having—as was, indeed, the very principle of the early Presbyterians—no confession of faith, no precise form of worship inserted in their trust deeds to fix the actual doctrines—no subscription to any such document, being in fact the very bond which held them together—what can be more conceivable, more probable, than that they gradually should have gone on hardly knowing that the doctrine preached one Sunday was not the same as that delivered the last; that they should have gradually passed from one set of opinions to another? I know that this statement has been treated with derision. I see that my right hon. Friend near me (Mr. Fox Maule) does not assent to it. Will he allow me to refer him to an instance with which he cannot but be well acquainted—I mean



that of the first Scotch secession? He will not surely hold that the doctrines taught and believed by the first Scotch secessionists are the same in all respects as those professed by that body now. I have talked with many eminent and good and learned men belonging to that persuasion, and they have all admitted that upon points which were considered essential and fundamental by the original secessionists, their descendants have widely differed from them. Take for one point, the connection between Church and State. The first generation of seceders held that such connection was proper, and sound, and desirable. They subscribed the Solemn League and Covenant, and afterwards, when Whitfield went to Scotland, although they agreed with him in his Calvinistic opinions, and admired—as everybody ought still to admire—his talents and his eloquence, yet they would hold no communion with him, because he held and taught that connection with the State was sinful. But how do matters stand now? Are not the descendants of those very men crying out the loudest for the voluntary system, and contending the most earnestly for the principle that the Church should not be interfered with by the State? Here is an instance of gradual change in opinion, and because of that change will you brand a great body of good men with such gross epithets as have been applied to a similar change of opinion among another body of Christians? True, my right hon. Friend may say and think that such a matter as the connection of Church and State is of less importance than the doctrine of the Trinity; but, Sir, I very much doubt whether, if he had lived in the times of the original seceders, he would have found many of them to agree with him. In their opinion, the question of the connection of Church and State was a vital question. Again, the Wesleyan Methodists are very eager in their opposition to the Bill. Sir, is there nothing, I ask, in their history to make them uneasy upon such a point? I think I can refer to some matters well calculated to afford grounds for very bitter recrimination. What were the doctrines of that

great and good man, the founder of their sect, upon the subject of the lay administration of the Sacrament? He told his congregation, when they wished for it, that it was a sin which he could never tolerate—which should never be committed with his consent—and in effect, I believe it was never performed during his lifetime. After his death, however, the feeling in favour of the lay administration of the Sacrament became very strong and very general; a Conference was applied for, was constituted, and after some discussion, it was determined that the request should be granted. What is the consequence? Why every building, every chapel, every plot of ground belonging to the Wesleyans is, Sunday after Sunday, applied or misapplied to the performance of rites which the founder of the sect pronounced to be a sin and a heresy. But now, forsooth, these persons cry out loudly that it is a fraud, downright fraud, when the opinions of congregations change with the lapse of time, and are modified by the progress of events, that they should be permitted to retain their original endowments. If we refuse to pass this Bill, the quantity of litigation which will arise you can hardly dream of. I own that, as I said before, it is painful for me to see the manner in which this Bill has been opposed, and the quarter from which much of that opposition proceeds. That of the Church is mild in comparison with that of other religious bodies, and yet the opposition of the Church party is certainly more excusable than the opposition of Dissenting bodies. Nothing is more natural than that the power of dominion, the habit of exercising authority, and that of treating religious bodies out of the Church as inferior to its members—nothing is more natural than that all this should produce great and grave faults. In the constitution of human nature it is hardly possible but that the high Church party, strong in their great endowments, in their power of affecting seats in Parliament, in the influence and effect of their old Universities, and accustomed, as I said before, to look with somewhat of disdain on other sects

—it is hardly possible, but at all events it is not astonishing, that such a party should set itself up against the principle of religious liberty ; not that I approve of that, but it is almost what I expect. But, Sir, I am astonished that persons who have been over and over again compelled to invoke the principles of civil and religious liberty in their own behalf, should now cry out against this application of them. Sir, I have seen this conduct with astonishment, not unmingled with harsher feelings ; but that which increases the astonishment, which deepens those feelings is, to hear from them this loud outcry of opposition at a moment when they themselves in a parallel case are imploring the interposition and protection of Parliament, and while they are demanding an *ex post facto* law for themselves, are opposing its application in the case of others. Sir, I allude to the question of Irish Presbyterian marriages. See how parallel the cases are : the Presbyterians have been marrying according to their own forms and rites for many years—so have the Unitarians been occupying property. In neither one case nor the other was any question raised for many years upon the subject—nothing occurred calculated to excite doubt or suspicion in the minds of the most honest or the most scrupulous person. Well then, about the same time arose both questions, and about the same time were they both decided. The Courts of Law, deeply feeling the responsibility and the necessity under which they lay of administering the law according to the letter of the law, decided that neither in the case of the celebration of Presbyterian marriages, nor in that of the possession of Unitarian chapels, could prescription avail against the letter of the law. Up got, immediately, the orthodox Trinitarian Dissenters ; they first accused the lawyers who had pronounced this decision, and now they accuse the legislators who wish to relieve not only them, but other Dissenters from its effects. It was but the other day that I observed the oration of an eminent person amongst the Irish Presbyterians indignantly demanding whether, in the case of these marriages, old



and forgotten laws were to be dug up and applied to times and to circumstances so different from those in which they were enacted; and yet in the course of a very few hours I find him urging the digging up and application of these very old and forgotten laws to another body of his fellow Christians. I should like to know how Presbyterian Dissenters would like the high Church party of England to take up the same tone towards them which they have thought proper to adopt in reference to their Unitarian brethren. Suppose the high Church party were to say, "We also have law upon our side. If the Unitarians are heretics, you are schismatics; and we refuse to give you the relief which you decline extending to them. You shall have no *ex post facto* law legalising the marriages celebrated by yourselves, if you refuse an *ex post facto* law to them legalising their possession of the chapels supported by themselves. If they are turned out, your marriages shall be invalid." How would you Presbyterian orthodox Dissenters like to be treated as you treat others? Great and just as is the importance which you attach to the point of doctrine which separates you from Unitarians, by your conduct you seem to have forgotten that it is not the whole sum and substance of Christianity, but that there is a text about "doing unto others as you would that others should do unto you." There is, however, certainly one distinction between the two cases. The Trinitarian Dissenters are a far more opulent and powerful body, and have means more likely to be applied and more easily applied to influence constituencies and affect seats than have the Unitarians. We know that that sect is small—that it is unpopular—that it can produce little effect upon elections; perhaps I may go so far as to say that it would probably be the best way to win public favour altogether to repudiate them and their doctrines; and therefore, if such be the case—if there be any person of an arbitrary nature and intolerant turn of mind, who wishes to enjoy the pleasure of persecution with perfect personal impunity—then I say that he can have no more

excellent opportunities for the indulgence of his propensities than the present. For myself, Sir, I have taken up the doctrines of civil and religious liberty, not because they are popular, but because they are just; and the time may come, and it may come soon, when some of those who are now crying out against this Bill may be compelled to appeal to the principles on which it rests; and if that shall be the case, then, Sir, I will attempt to prevent others from oppressing them, as I now seek to keep them from lording it over others. At present I contend against their intolerance in the same spirit as I may hereafter have to battle for their rights.

## POST-OFFICE—OPENING LETTERS.\*

JUNE 24, 1844.

HE could assure the right hon. Gentleman (Sir J. Graham) that it was his intention to look at the Motion then before the House as anything but a party question, and to discuss it without the admixture of anything like party views; but he must at the same time observe, that the topics here presented were such as he could wish might be avoided; for, he must say, that the language and the manner of the right hon. Gentleman were not those of a man who was conscious of the very peculiar position in which he was placed. Even if the right hon. Baronet had the power, and said that the power was necessary, and that in these cases it had been properly used, still it was a power that it was most odious to use, and for which strong reasons ought to be given; for, even if the power were necessary, still it might be obvious that it was one singularly abhorrent to the genius of the English people. The power here exercised was one which the House had, in cases of necessity, entrusted to the Government; but then it was a power that the House was bound to watch how it was exercised, and in which they ought to know precisely what had been done; the nature of the warrant; how often such warrants had been issued, in which, too, they ought to be told the course of proceedings that had been adopted. This was a case, beyond all others, in which the Minister ought not to think he had done enough to satisfy a House of Commons, by merely saying that he had the power; he had exercised it; he was responsible for the exercise

\* Hansard, 3d Series, vol. lxxv. p. 1274-1281.



of such power; but he would give them no account of the manner in which he had exercised it. That was to encourage the suspicion that the power had been abused; because he could not see, and this he said without casting the slightest imputation on the right hon. Baronet, he could not see how so considerable a power as this entrusted to a Minister and exercised by him, could be used, without the Minister deeming it to be proper to do something more than this, or only thinking that it would be sufficient for him to say, that "he was responsible." Now, he thought, that where there was such a power exercised, the question was not to be so treated. They had then the fact as to such a power existing, and then came a very serious question upon this most important Motion of the hon. Gentleman the Member for Finsbury, calling upon them, amongst other things, to appoint a Committee to inquire into the present law giving that power. Now, he begged to say, that for the present state of the law neither party of that House was answerable. Both parties had received it from their ancestors—both parties, when in power, had used it—and he did not impute to either the having used it dishonestly or oppressively; but now, he said, since their attention had been called to this power, it could not, without very great modifications, be permitted to last. He began by saying that he defied any person to show him the difference between a letter of his being taken from him when in the Post Office, and a letter taken from him out of his desk. He defied them to show how the public safety could justify any more a letter of his being taken out of the post-bag than it could justify its being taken out of his desk. Why was the letter put into the post-bag, except for the purpose of being transmitted to the person for whom it was destined? It was given to the Post Office, and for the purposes of revenue a monopoly was given to the Post Office. The sole purpose was the safe transmission of the letter: but the turning the Post Office into an engine of the police, was, he said, utterly abhorrent to the public feeling. Let

them only consider, if there was a single reason for examining letters to or from him in the Post Office, which was not good and valid for examining letters that he had in his desk; let them take it that there was a treasonable plot—the most treasonable ever thought of: the letters might contain treason. Then the treason could be as well discovered in the letter in his pocket, as the letter when transmitted. As to the inconvenience, it was the same to him in both cases, and the plea for both was the public necessity. It was the same whether a person's correspondence was examined before it reached him, as after it had reached him. There was no difference as to the injury done to him. If the public danger was the same, the inconvenience to the individual was the same. Then, why make the distinction? He knew that in cases of suspected crime the letters could be examined and produced in a court of justice, whether taken in transit or in the person's pocket. But then, if a letter were delivered and they took it wrongfully, they would be liable to an action for damages; and if they used violence, they would be severely punished. Thus, in the case of Mr. Wilkes, when his letters had been seized, and carried to Lord Halifax and the Under Secretary of State, he brought an action for those letters being wrongfully seized and without probable cause, and the result was, that he gained his action, and they were obliged to pay, by the verdict of a jury, 1,000*l.* damages. That was what he called Ministerial responsibility. He wanted to know, when a letter got to Mr. Mazzini, if it was so sacred that it could not be touched, and yet before it came to him that it could be examined—that, upon the most vague suspicion, fifty or a hundred letters could be thus stopped, and yet Mr. Mazzini never know whether they were examined or not. If it were possible to show him that the examination of a letter before it arrived was less injurious to the individual than the examination of it in the desk after it arrived, then he would give up the argument. It was idle to tell him that this was neces

sary ; for worse things than this might be done, and sustained on the same plea. The fact was, the whole of the arguments in favour of the practice belonged to a class which the sense of the country had repudiated long ago. The question was not whether there were advantages in the spy system ; for that had been decided by their ancestors long ago. They were not now to determine whether they were to adopt the practice of employing spies, as was done by foreign governments. And what difference was there between their having spies upon words spoken, or words written ? In common fairness, he said it was no difference to him between a government breaking the seal of his letter in the Post Office, and the government employing a spy to poke his ear to the keyhole, and listen to the conversations he carried on. They might regard it necessary to the public safety to do this—to say that such a person was suspected, and that they had one of his servants feed to betray him. They might allege the same excuse for the police reading letters, as for listening to conversations ; and there might be some advantage in this. There could be no doubt there might be an advantage in breaking open letters. No one denied it ; but then was it fitting that it should be done ? In the same way, did any one doubt that there was an advantage in having police spies ? But then the country did not approve of them. The French had an advantage in having police spies. No one doubted that the spy system enabled them to bring to justice many who must otherwise have escaped. It was the same thing as to torture. There could be no doubt that as long as the English law sanctioned the use of the torture a great many crimes were detected by it. It had, too, its advantages.—[*Cries of "Oh, oh."*]*—*Yes ; for the instant that Guy Fawkes was shown the rack, out came at once the entire story of the gunpowder plot. Even this torture, as well as the spy system, had these advantages, but then this country had determined long ago that such were pernicious, debasing, and dangerous modes of maintaining its institutions. Their



ancestors declared that they would rather take the risk of great crimes being committed, than owe their security to that system or those means, which would destroy the manly spirit of the people, on which far more reliance could be placed than all the schemes and decrees that could be invented for maintaining their greatness and independence as a nation. He did not, he again repeated it, mean to affirm that there had not been a fair intention in the power that had been exercised, but then he could not but see that the use of the power must have pernicious consequences. Suppose a Minister were to say, "Since I have been in office two letters have been opened at the Post Office. One was opened in reference to questions of great importance regarding the public peace; another as it was supposed to be of a nature to throw great light upon the Exchequer Bill Case." Information of this kind, given by a Minister of the Crown, would have a great effect in quieting the minds of the public. But the right hon. Gentleman having refused to give any information of the sort, forced on the conviction that this practice had been carried on to a very great extent by him, and under peculiar circumstances of concealment. He could never believe, that if the right hon. Baronet could have denied the charge that seals had been counterfeited and stamps replaced, in order to conceal the opening of the letter, he would not have been glad to have done so. The right hon. Baronet must know that unless protected in particular cases, the power exercised by the Government, and the practice of counterfeiting seals and replacing stamps, was a *malum in se*, as well as an infraction of the Common Law of the land. The right hon. Baronet admitted that being empowered by this Act of Parliament to do acts which were illegal at Common Law, he had authorised the opening letters at the Post Office, detaining some, and sending on others, taking care, however, to disguise the fact that they had been opened; yet he would not satisfy the House and the country by telling them how often he had done this; nor the circumstances

under which he had done it. The right hon. Baronet would state neither the grounds upon which he acted; nor would he allow them to see the warrant which he had issued for the purpose. When he saw this, he (Mr. Macaulay) asked whether the House of Commons was not entitled, in a case like this, to take steps for a further inquiry? He had put the case hypothetically: he could do nothing else; he was enforced to do so, for the right hon. Gentleman would tell them nothing of the facts of the case. Two years ago the manufacturing districts were in a very excited state, there was a great deal of violence used, and attempts made to keep people from going to work. He could not forget that whilst these things were going on, an assertion was very generally put about that these troubles were got up in an underhand manner by certain Gentlemen belonging to the Anti-Corn-Law League. Now, this suspicion existing, what evidence was there to be obtained in support of it; what proof so easy for a Government to obtain as by opening the letters of the Gentlemen, many of them Members of this House, known to be most prominently connected with the affairs of this society? He was not a member of the Anti-Corn Law League, he was not one of its representatives in this House. But, as a Member of Parliament, he wished to learn whether the right hon. Gentleman the Secretary of State might not, on some occasion like this, think it his duty as a principle to open all the letters of some thirty or forty most hon. Gentlemen, representatives of the people in this House, some having reference to important public affairs, others filled with the secrets of their respective families. Now, as far as regarded Englishmen, the hardship of the case only went so far as this, that his secrets were read by public officials; but the case was a very different one in regard to the unhappy foreigner. They could not hang an Englishman, whatever his letters might contain, without the ordeal of a Judge and Jury; but with respect to foreigners, he really did wonder that men who assumed to be so humane as hon. Gentle

men opposite, should think so lightly of the consequences of this sort of procedure. Some unhappy foreigner has come to our free land, and relying upon the supposed good faith of the English Post Office, writes to his friends with greater freedom than he would otherwise have done, or than he would ever do abroad. Then came the Secretary of some Foreign Embassy to the Secretary for the Home Department, applies for information as to the contents of the letters of certain parties, information which receiving, he sends over to the native Government of the unhappy foreigner, who carefully lays it by. No evil consequences result to the unfortunate writer whilst he remains in this country; but, at length, unconscious of what awaits him, he goes back to his native land—he actually walks into the lion's mouth, in a land where there is no jury to protect him, and upon evidence got up in this manner, he would be consigned, perhaps, to the inside of a dungeon, for life. He believed that the House would admit that he had never been one to indulge in this House in reflections upon the institutions or internal affairs of any foreign country whatever. On the contrary, he thought that as a rule the tone and manner of the House, as of the Government, ought to be marked with something of the respect and decorum of diplomatic procedure. But whilst they did not set themselves up as judges upon neighbouring governments, at least let them not set themselves up as their spies. This he must say, that if the continuance of this power in the hands of our Government would lead to such applications from foreign powers, for the revelation of the contents of letters passing through our Post Office, he thought the only course would be to repeal this law altogether. For he thought it might sometimes be putting a Ministry into a very awkward position, if they should have to refuse to the Minister of a foreign friendly power information of this kind, which he said he required for the interests of his Government. He thought if this practice were found to exist, that it would be better to enable a Minister to say



at once, "Parliament has not given us power to do what you ask us to do," than to run the risk of giving offence by saying, "We have the power, but we do not choose to exercise it in your case all that can be done in the matter must be done with such publicity as will give an injured, helpless man, an equal chance of redress and justice being done him." His feeling upon this subject was so strong, that even if the Motion of the hon. Gentleman had gone much further than it did, if it had been for leave to bring in a Bill to take this power from the Secretary of State, he would have cordially voted for it; but, as it was, he would cordially give his vote for the Motion for a Committee to inquire whether **this** power had been properly exercised or not.

JULY 2, 1844.\*

I would not now presume to address the House, were it not that I understand, during my absence, some allusion has been made to me by the right hon. Secretary of State for the Home Department. It is extremely difficult for a person who has not been present during a debate in this House to collect precisely what has been said during his absence; and it is proportionally difficult for him to give an answer to any charges which have been made against him. But, if I rightly understand what I am told has been said by the right hon. Gentleman, the charges he has made against me may be classed under two heads. He has imputed to me, in the first place, a dereliction of my duty as a sworn servant of Her Majesty: and, secondly, he has accused me of making a personal attack upon him, and of imputing to him some misconduct unprecedented in the administration of his predecessors. Now, as to the first and more important of these attacks, I deny that I have in any respect, by any observation I have addressed to this House, violated my oath of duty as a Privy Councillor. I deny that I have divulged any secret which came into my possession in that capacity. I deny that in the character of a Privy Councillor I ever became acquainted with any circumstance whatever relating to the practice of the Post Office. I deny that any paper I knew to be obtained by the opening or scraping of seals was ever, to the best of my knowledge, submitted to me in that capacity. I declare, also, that there is no Gentleman, on either side of this House, who is more completely ignorant than I am of

\* Hansard, 3d Series, vol. lxxvi. p. 248-251.

all details of that Department of the Post Office to which frequent reference has been made during this discussion. Then, with respect to the second charge made against me by the right hon. Gentleman, I deny, with equal confidence, the imputation that I came down to this House to make a personal attack upon that right hon. Baronet. I certainly came down intending to express concisely, a very strong opinion as to the present state of the law and practice; and I intended to have prefaced my observations by declaring that I made no imputation whatever upon the right hon. Baronet beyond what must attach to him in common with all others who had been called upon to administer the same invidious law. If I departed from that line of conduct, it was because the right hon. Baronet himself forced me to such a course; because I considered that the line of conduct he adopted was utterly inconsistent with all notions of ministerial responsibility. I now say, that in my opinion, there is a wide distinction between the conduct of the right hon. Gentleman (Sir J. Graham) and that of any persons who have preceded him in his present office; for who, when called upon in the face of this House to state on what principle he had exercised the power we are now discussing, ever declined to do so before the right hon. Baronet? When Sir Robert Walpole was called upon in this House to make such a statement, he frankly avowed the principle on which he had acted. The noble Lord near me has made a distinct statement of the principle on which, during his administration, that department was directed. He distinctly declared that, in the exercise of this power, he acted solely with a view to the safety of this country; and that he would have considered it a departure from the spirit of the law to examine the letters of foreigners, in consequence of applications from foreign Governments, founded upon apprehensions they might entertain. The right hon. Baronet opposite was repeatedly asked, "Will you state that this was the principle upon which you acted?" The right hon. Gentleman replied that he



would not—that a sense of public duty, regard for the safety of the State, induced him to refuse to declare the principle upon which he had acted. Was that consistent with the conduct of the right hon. Baronet to-night? Why, is not this Secret Committee, consisting of nine Members of this House, to tell us upon what principle this practice was carried on? Is it not appointed in order that the House may ascertain on what general principle letters have been opened? There can be no doubt that the intention is, that this Secret Committee shall state to the House not particular cases, but the general principles upon which the Post Office and other authorities have acted. To the appointment of that Committee the right hon. Baronet (Sir J. Graham) entertains no decided objection. Does he not conceive that the public safety is compromised by the appointment of such a Committee? Let me ask the right hon. Baronet why he did not state to the House what he conceives will be the substance of the Report of that Committee? Why, if the Report of that Committee will compromise the public safety, the right hon. Gentleman ought not to agree to its appointment? If the public safety will not be compromised by such Report, the right hon. Baronet ought not to have shielded himself under the pretence of “public safety,” and have refused any answer to questions put to him on this subject. A mere declaration from him of the principles upon which he has acted would have prevented me from making any remarks as to his conduct; I should merely have addressed myself to what I think the most important part of the subject—the state of the law. I shall be much surprised if the Report of this Committee should lead me to entertain an opinion different from that I have hitherto expressed, namely, that the state of the law requires very great and extensive alteration. I will not detain the House further than to say that I heartily approve of the Motion of the right hon. Baronet opposite, and that I think, upon the whole, it is desirable that in the first instance, at least, the proceedings of the Committee

should be secret. I conceive it to be possible that some matters connected with the administration of foreign affairs might be disclosed in the course of the examination, the publicity of which we might have reason to regret. I am not desirous that any secrecy whatever should be preserved with respect to the internal arrangements of the Post Office; because, with regard to all matters purely internal, the people of this country are fully competent to judge what is for their own interest. Matters which it is not advisable to render public might, however, be disclosed in the course of an inquiry of this nature. I do not conceive that any Report this Committee may present is likely to induce me to change the opinion I now entertain—that the power possessed by the Secretary of State with regard to the opening of letters is one which produces no advantage at all commensurate with the evils and the feeling of insecurity which it occasions; and that it is a power which, whether we censure the past exercise of it or not, we ought without delay to abolish.

## THE SUGAR DUTIES.\*

FEB. 26, 1845.

SIR, if the question now at issue were merely a financial or a commercial question, I should be unwilling to offer myself to your notice: for I am well aware that there are, both on your right and on your left hand, many gentlemen far more deeply versed in financial and commercial science than myself; and I should think that I discharged my duty better by listening to them than by assuming the office of a teacher. But, Sir, the question on which we are at issue with Her Majesty's Ministers is neither a financial nor a commercial question. I do not understand it to be disputed that, if we were to pronounce our decision with reference merely to fiscal and mercantile considerations, we should at once adopt the Amendment of my noble Friend. Indeed the right hon. Gentleman the late President of the Board of Trade has distinctly admitted this. He says that the Ministers of the Crown call upon us to sacrifice great pecuniary advantages and commercial facilities, for the purpose of maintaining a moral principle. Indeed, neither in former debates nor in the debate of this night has any person ventured to deny that, both as respects the public purse and as respects the interests of trade, the course recommended by my noble Friend is preferable to the course recommended by the Government. The objections to my noble Friend's Amendment, then, are purely moral objections. We lie, it seems, under a moral obligation to make a distinction between the produce of free labour and the produce of slave labour. Now

\* Hansard, 3d Series, vol. lxxvii p. 1288-1306.



I should be as unwilling to incur the imputation of being indifferent to the welfare of the African race as any hon. Member opposite can be to incur the imputation of hypocrisy. I do, however, think that it is in my power to show strong reasons for believing that the moral obligation pleaded by the Ministers has no existence. If there be no such moral obligation, then, as it is conceded on the other side that all fiscal and commercial arguments are on the side of my noble Friend, it follows that we ought to adopt his Amendment. The right hon. Gentleman the late President of the Board of Trade has said, that the Government does not pretend to act with perfect consistency as to this distinction between free labour and slave labour. It was, indeed, necessary that he should say this; for the policy of the Government is obviously most inconsistent. Perfect consistency, I admit, we are not to expect in human affairs. But, surely, there is a decent consistency which ought to be observed; and of this the right hon. Gentleman himself seems to be sensible; for he asks how, if we admit sugar grown by Brazilian slaves, we can with decency continue to stop Brazilian vessels engaged in the Slave Trade. This argument, whatever be its value, proceeds on the very correct supposition that the test of sincerity in individuals, in parties, and in governments, is consistency. The right hon. Gentleman feels, as we must all feel, that it is impossible to give credit for good faith to a man who on one occasion pleads a scruple of conscience as an excuse for not doing a particular thing, and who on other occasions, where there is no essential difference of circumstances, does that very thing without any scruple at all. I do not wish to use such a word as hypocrits, or to impute that odious vice to any Gentleman on either side of the House. But whoever declares one moment that he feels himself bound by a certain moral rule, and the next moment, in a case strictly similar, acts in direct defiance of that rule, must submit to have, if not his honesty, yet at least his power of discriminating right

from wrong very gravely questioned. Now, Sir, I deny the existence of the moral obligations alleged by the Government. I deny that we are under any moral obligation to turn our fiscal code into a penal code, for the purpose of correcting vices in the institutions of independent states. I say that, if you suppose such a moral obligation to be in force, the supposition leads to consequences from which every one of us would recoil, to consequences which would throw the whole commercial and political system of the world into confusion. I say that, if such a moral obligation exists, our financial legislation is one mass of injustice and inhumanity. And I say more especially that, if such a moral obligation exists, then the right hon. Baronet's Budget is one mass of injustice and inhumanity. Observe, I am not disputing the paramount authority of moral obligation. I am not setting up pecuniary considerations against moral considerations. I know that it would be not only a wicked but a short-sighted policy, to aim at making a nation like this great and prosperous by violating the laws of justice. To those laws, enjoin what they may, I am prepared to submit. But I will not palter with them, I will not cite them to-day in order to serve one turn, and quibble them away to-morrow in order to serve another. I will not have two standards of right, one to be applied when I wish to protect a favourite interest at the public cost, and another to be applied when I wish to replenish the Exchequer, and to give an impulse to trade. I will not have two weights or two measures. I will not blow hot and cold, play fast and loose, strain at a gnat and swallow a camel. Can the Government say as much? Are Gentlemen opposite prepared to follow out their own principle? They need not look long for opportunities. The Statute Book swarms with enactments directly opposed to the rule which they profess to respect. I will take a single instance from our existing laws, and propound it to the Gentlemen opposite as a test, if I must not say of their sincerity, yet of their power of

moral discrimination. Take the article of tobacco. Not only do you admit the tobacco of the United States which is grown by slaves ; not only do you admit the tobacco of Cuba which is grown by slaves, and by slaves, as you tell us, recently imported from Africa ; but you actually interdict the free labourer of the United Kingdom from growing tobacco. You have long had on your Statute Book laws prohibiting the cultivation of tobacco in England, and authorising the Government to destroy all tobacco plantations, except a few square yards, which are suffered to exist unmolested in botanical gardens, for purposes of science. These laws did not extend to Ireland. The free peasantry of Ireland began to grow tobacco. The cultivation spread fast. Down came your legislation upon it ; and now, if the Irish freeman dares to engage in competition with the slaves of Virginia and Havannah, you exchequer him ; you ruin him ; you grub up his plantation. Here, then, we have a test by which we may try the consistency of the gentlemen opposite. I ask you, are you prepared, I do not say to exclude slave-grown tobacco, but to take away from slave-grown tobacco the monopoly which you now give to it, and to permit the free labourer of the United Kingdom to enter into competition on equal terms, on any terms, with the negro who works under the lash ? I am confident that the three right hon. Gentlemen opposite, the First Lord of the Treasury, the Chancellor of the Exchequer, and the late President of the Board of Trade, will all with one voice answer "No." And why not ?—"Because," say they, "it will injure the Revenue. True it is," they will say, "that the tobacco imported from abroad is grown by slaves, and by slaves many of whom have been recently carried across the Atlantic, in defiance, not only of justice and humanity, but of law and treaty. True it is that the cultivators of the United Kingdom are freemen. But then on the imported tobacco we are able to raise at the Custom-house a duty of 600 per cent., sometimes indeed of 1,200 per cent. ; and, if tobacco



were grown here, it would be difficult to get an excise duty or even 100 per cent. We cannot submit to this loss of revenue, and therefore we give a monopoly to the slaveholder, and make it penal in the freeman to invade that monopoly." You may be right : but in the name of common sense, be consistent. If this moral obligation of which you talk so much be one which may with propriety yield to fiscal considerations, let us have Brazilian sugars. If it be paramount to all fiscal considerations, let us at least have British snuff and cigars. The present Ministers may indeed plead that they are not the authors of the laws which prohibit the cultivation of tobacco in Great Britain and Ireland. That is true. The present Government found those laws in existence : and no doubt there is good sense in the Conservative doctrine that many things which ought not to have been set up ought not, when they have been set up, to be hastily and rudely pulled down. But what will the right hon. Baronet urge in vindication of his own new Budget? He is not content with maintaining laws which he finds already existing in favour of produce grown by slaves. He introduces a crowd of new laws to the same effect. He comes down to the House with a proposition for entirely taking away the duties on the importation of cotton. He glories in this scheme. He tells us that it is in strict accordance with the soundest principles of legislation. He tells us that it will be a blessing to the country. I agree with him, and I intend to vote with him. But how is all this cotton grown? Is it not grown by slaves? Again I say, you may be right; but, in the name of common sense, be consistent. I saw, with no small amusement, a few days ago, a paragraph by one of the right hon. Baronet's eulogists, which was to the following effect:—"Thus has this eminent statesman given to the English labourer a large supply of a most important raw material, and has manfully withstood those ravenous Whigs who wished to inundate our country with sugar dyed in negro blood." With what, I should like to

know, is the right hon. Baronet's cotton dyed? Formerly, indeed, an attempt was made to distinguish between the cultivation of cotton and the cultivation of sugar. The cultivation of sugar, it was said, was peculiarly fatal to the health and life of the slave. But that plea, whatever it may have been worth, must now be abandoned; for the right hon. Baronet now proposes to reduce, to a very great extent, the duty on slave-grown sugar imported from the United States. Then a new distinction is set up. The United States, it is said, have slavery; but they have no slave trade. I deny that assertion. I say that the sugar and cotton of the United States are the fruits, not only of slavery, but of the slave trade. And I say further that, if there be on the surface of this earth a country which, before God and man, is more accountable than any other for the misery and degradation of the African race, that country is not Brazil, the produce of which the right hon. Baronet excludes, but the United States, the produce of which he proposes to admit on more favourable terms than ever. I have no pleasure in going into an argument of this nature. I do not conceive that it is the duty of a Member of the English Parliament to discuss abuses which exist in other societies. Such discussion seldom tends to produce any reform of such abuses, and has a direct tendency to wound national pride, and to inflame national animosities. I would willingly avoid this subject, but the right hon. Baronet leaves me no choice. He turns this House into a Court of Judicature for the purpose of criticising and comparing the institutions of independent States. He tells us that our Tariff is to be made an instrument for rewarding the justice and humanity of some Foreign Governments, and for punishing the barbarity of others. He binds up the dearest interests of my constituents with questions with which otherwise I should, as a Member of Parliament, have nothing to do. I would gladly keep silence on such questions. But it cannot be. The tradesmen and the professional men whom I represent say to me,

“Why are we to be loaded, certainly for some years, probably for ever, with a tax, admitted by those who impose it to be grievous, unequal, inquisitorial? Why are we to be loaded in time of peace with burdens heretofore reserved for the exigencies of war?” The paper manufacturer, the soap manufacturer, say, “Why, if the Income Tax is to be continued, are our important and suffering branches of industry to have no relief?” And the answer is, “Because Brazil does not behave so well as the United States towards the negro race.” Can I then avoid instituting a comparison? Am I not bound to bring to the test the truth of an assertion pregnant with consequences so momentous to those who have sent me hither? I must speak out; and if what I say gives offence and produces inconvenience, for that offence and for that inconvenience the Government is responsible. I affirm, then, that there exists in the United States a Slave Trade, not less odious or demoralising, nay, I do in my conscience believe, more odious and more demoralising than that which is carried on between Africa and Brazil. North Carolina and Virginia are to Louisiana and Alabama what Congo is to Rio Janeiro. The slave States of the Union are to be divided into two classes, the breeding States, where the human beasts of burden increase and multiply and become strong for labour, and the sugar and cotton States to which those beasts of burden are sent to be worked to death. To what an extent the traffic in man is carried on we may learn by comparing the census of 1830 with the census of 1840. North Carolina and Virginia are, as I have said, great breeding States. During the ten years from 1830 to 1840 the slave population of North Carolina was almost stationary. The slave population of Virginia positively decreased. Yet, both in North Carolina and Virginia propagation was, during those ten years, going on fast. The number of births among the slaves in those States exceeded by hundreds of thousands the number of the deaths. What, then, became of the surplus? Look to the returns from the Southern



States, to the States whose produce the right hon. Baronet proposes to admit with reduced duty or with no duty at all, and you will see. You will find that the increase in the breeding States was barely sufficient to meet the demand of the consuming States. In Louisiana, for example, where we know that the negro population is worn down by cruel toil, and would not, if left to itself, keep up its numbers, there were, in 1830, 107,000 slaves; in 1840, 170,000. In Alabama, the slave population during those ten years much more than doubled; it rose from 117,000 to 253,000. In Mississippi it actually tripled. It rose from 65,000 to 195,000. So much for the extent of this Slave Trade. And as to its nature, ask any Englishman who has ever travelled in the Southern States. Jobbers go about from plantation to plantation looking out for proprietors who are not easy in their circumstances, and who are likely to sell cheap. A black boy is picked up here; a black girl there. The dearest ties of nature and of marriage are torn asunder as rudely as they were ever torn asunder by any slave captain on the coast of Guinea. A gang of three or four hundred negroes is made up; and then these wretches, handcuffed, fettered, guarded by armed men, are driven southward, as you would drive (or rather as you would not drive) a herd of oxen to Smithfield, that they may undergo the deadly labour of the sugar mill near the mouth of the Mississippi. A very few years of that labour in that climate suffice to send the stoutest African to his grave. But he can well be spared. While he is fast sinking into premature old age, negro boys in Virginia are growing up as fast into vigorous manhood to supply the void which cruelty is making in Louisiana. God forbid that I should extenuate the horrors of the Slave Trade in any form; but I do think this its worst form. Bad enough it is that civilized men should sail to an uncivilized quarter of the world where slavery exists, should there buy wretched barbarians, and should carry them away to labour in a distant land: bad enough! But that a

civilized man, a baptized man, a man proud of being a citizen of a free state, a man frequenting a Christian church, should breed slaves for exportation, and, if the whole horrible truth must be told, should even beget slaves for exportation, should see children, sometimes his own children, gambolling around him from infancy, should watch their growth, should be familiar with their faces, and should then sell them for four or five hundred dollars a head, and send them to lead in a remote country a life which is a lingering death, a life about which the best thing that can be said is that it is sure to be short; this does, I own, excite a horror exceeding even the horror excited by that Slave Trade which is the curse of the African coast. And mark: I am not speaking of any rare case, of any instance of eccentric depravity; I am speaking of a trade as regular as the trade in pigs between Dublin and Liverpool, or as the trade in coals between the Tyne and the Thames. There is another point to which I must advert. I have no wish to apologise for slavery as it exists in Brazil; but this I say, that slavery, as it exists in Brazil, though a fearful evil seems to me a much less hopeless evil than slavery as it exists in the United States. In estimating the character of negro slavery, we must never forget one most important ingredient; an ingredient which was wanting to slavery as it was known to the Greeks and Romans; an ingredient which was wanting to slavery as it appeared in Europe during the middle ages,—I mean the antipathy of colour. Where this antipathy exists in a high degree, it is difficult to conceive how the white masters and the black labourers can ever be mingled together, as the lords and villeins in many parts of the Old World have been, in one free community. Now this antipathy notoriously is much stronger in the United States than in the Brazils. In the Brazils there are many hundred thousands of blacks and coloured freemen. These people are not excluded from honourable callings. You may find among them merchants, physicians, lawyers: many of them bear

arms; some have been admitted to holy orders. Whoever knows what dignity, what sanctity the Church of Rome ascribes to the person of a priest, will at once perceive the important consequences which follow from this last circumstance. It is by no means unusual to see a white penitent kneeling before the spiritual tribunal of a negro, confessing his sins to a negro, receiving absolution from a negro. It is by no means unusual to see a negro dispensing the Eucharist to a circle of whites. I need not tell the House what emotions of amazement and of rage such a spectacle would excite in Georgia or South Carolina. Fully admitting, therefore, as I do, that Brazilian slavery is a horrible evil, I yet must say, that if I were called upon to declare whether I think the chances of the African race on the whole better in Brazil or in the United States, I should at once answer in Brazil. I think it not improbable that in eighty or a hundred years the black population of Brazil may be free and happy. I see no reasonable prospect of such a change in the United States. The right hon. Gentleman the late President of the Board of Trade has said much about that system of maritime police by which we have attempted to sweep slave-trading vessels from the great highway of nations. Now what has been the conduct of Brazil, and what has been the conduct of the United States, as respects that system of police? Brazil has come into the system; the United States have thrown every impediment in the way of the system. What opinion her Majesty's Ministers entertain respecting the Right of Search we know from a letter of my Lord Aberdeen which has, within a few days, been laid on our Table. I believe that I state correctly the sense of that letter when I say, that the noble Earl regards the Right of Search as an efficacious means, and as the only efficacious means, of preventing the maritime Slave Trade. He expresses most serious doubts whether any substitute can be devised. I think that this check would be a most valuable one, if all nations would submit to it; and I



applaud the humanity which has induced successive British Administrations to exert themselves for the purpose of obtaining the concurrence of Foreign Powers in so excellent a plan. Brazil consented to admit the Right of Search; the United States refused, and by refusing deprived the Right of Search of half its value. Not content with refusing to admit the Right of Search, they even disputed the right of visit, a right which no impartial publicist in Europe will deny to be in strict conformity with the Law of Nations. Nor was this all: in every part of the Continent of Europe the diplomatic agents of the Cabinet of Washington toiled to induce other nations to imitate the example of the United States. You cannot have forgotten General Cass's letter. You cannot have forgotten the terms in which his Government communicated to him its approbation of his conduct. You know as well as I do that, if the United States had submitted to the Right of Search, there would have been no outcry against that right in France. Nor do I much blame the French. It is but natural that, when one maritime Power makes it a point of honour to refuse us this right, other maritime Powers should think that they cannot, without degradation, take a different course. It is but natural that a Frenchman, proud of his country, should ask why the tricolor is to be less respected than the stars and stripes. The right hon. Gentleman says, that if we assent to my noble Friend's Amendment, we shall no longer be able to maintain that Right of Search. Sir, he need not trouble himself about that right—it is already gone. We have agreed to negotiate on the subject with France: everybody knows how that negotiation will end. The French flag will be exempted from search; Spain will instantly demand, if she has not already demanded, similar exemption; and you may as well let her have it with a good grace, and without wrangling. For a Right of Search, from which the flags of France and America are exempted, is not worth a dispute. The only system, therefore, which in the opinion of Her

Majesty's Ministers has yet been found efficacious for the prevention of the maritime Slave Trade, is in fact abandoned. And who is answerable for this? The United States of America. The chief guilt even of the Slave Trade between Africa and Brazil lies, not with the Government of Brazil, but with that of the United States. And yet the right hon. Baronet proposes to punish Brazil for the Slave Trade, and in the same breath proposes to show favour to the United States, because the United States are pure from the crime of slave trading. I thank the right hon. Gentleman the late President of the Board of Trade for reminding me of Mr. Calhoun's letter. I could not have wished for a better illustration of my argument. Let anybody who has read that letter say what is the country which, if we take on ourselves to avenge the wrongs of Africa, ought to be the first object of our indignation. The Government of the United States has placed itself on a bad eminence to which Brazil never aspired, and which Brazil, even if aspiring to it, never could attain. The Government of the United States has formally declared itself the patron, the champion of negro slavery all over the world—the evil genius, the Arimanes of the African race—and seems to take pride in this shameful and odious distinction. I well understand that an American statesman might say, “Slavery is a horrible evil; but we were born to it; we see no way at present to rid ourselves of it: and we must endure it as best we may.” Good and enlightened men may hold such language: but such is not the language of the American Cabinet. That Cabinet is actuated by a propagandist spirit, and labours to spread servitude and barbarism with an ardour such as no other Government ever showed in the cause of freedom and civilisation. Nay more; the doctrine held at Washington is that this holy cause sanctifies the most unholy means. These zealots of slavery think themselves justified in snatching away provinces on the right hand and on the left, in defiance of public faith and international law, from neighbouring countries

which have free institutions, and this avowedly for the purpose of diffusing over a wider space the greatest curse that afflicts humanity. They put themselves at the head of the slave-driving interest throughout the world, just as Elizabeth put herself at the head of the Protestant interest; and, wherever their favourite institution is in danger, are ready to stand by it as Elizabeth stood by the Dutch. This, then, I hold to be demonstrated, that of all societies now existing, the Republic of the United States is by far the most culpable as respects slavery and the Slave Trade. Now then I come to the right hon. Baronet's Budget. He tells us, that he will not admit Brazilian sugar, because the Brazilian Government tolerates slavery and connives at the Slave Trade; and he tells us at the same time, that he will admit the slave-grown cotton and the slave-grown sugar of the United States. I am utterly at a loss to understand how he can vindicate his consistency. He tells us that if we adopt my noble Friend's proposition, we shall give a stimulus to the Slave Trade between Africa and Brazil. Be it so. But is it not equally clear that if we adopt the right hon. Baronet's own propositions we shall give a stimulus to the Slave Trade between Virginia and Louisiana? I have not the least doubt that as soon as the contents of his Budget are known on the other side of the Atlantic, the Slave Trade will become more active than it is at this moment; that the jobbers in human flesh and blood will be more busy than ever; that the droves of manacled negroes moving southward to their doom will be more numerous on every road. These will be the fruits of the right hon. Baronet's measure. Yet he tells us, that his measure rests on sound principles, and will greatly benefit the country; and he tells us truth. I mean to vote with him; and I can perfectly, on my own principles, reconcile to my conscience the vote which I shall give. How the right hon. Baronet can reconcile the course which he takes to his conscience, I am at a loss to conceive, and am not a little curious to know. No man is more capable than he of doing



justice to any cause which he undertakes; and it would be most presumptuous in me to anticipate the defence which he means to set up. But I hope that the House will suffer me, as one who feels deeply on this subject, now to explain the reasons which convince me that I ought to vote for the right hon. Baronet's propositions respecting the produce of the United States. In explaining these reasons, I at the same time explain the reasons which induce me to vote with my noble Friend to-night. I say, then, Sir, that I fully admit the paramount authority of moral obligations. But it is important that we should accurately understand the nature and extent of those obligations. We are clearly bound to wrong no man. Nay, more, we are bound to regard all men with benevolence. But to every individual and to every society, Providence has assigned a sphere within which benevolence ought to be peculiarly active; and if an individual or a society neglects what lies within that sphere in order to attend to what lies without the result is likely to be harm and not good. It is thus in private life. We should not be justified in injuring a stranger in order to benefit ourselves or those who are dearest to us. Every stranger is entitled, by the laws of humanity, to claim from us certain reasonable good offices. But it is not true that we are bound to exert ourselves to serve a mere stranger as we are bound to exert ourselves to serve our own relations. A man would not be justified in subjecting his wife and children to disagreeable privations, in order to save even from utter ruin some foreigner whom he never saw. And if a man were so absurd and perverse as to starve his own family in order to relieve people with whom he had no acquaintance, there can be little doubt that his crazy charity would produce much more misery than happiness. It is the same with nations. No statesman ought to injure other countries in order to benefit his own country. No statesman ought to lose any fair opportunity of rendering to foreign nations such good offices as he can render without a breach of the duty which he owes to the society of

which he is a member. But, after all, our country is our country, and has the first claim on our attention. There is nothing, I conceive, of narrow-mindedness in this patriotism. I do not say that we ought to prefer the happiness of one particular society to the happiness of mankind; but I say that, by exerting ourselves to promote the happiness of the society with which we are most nearly connected, and with which we are best acquainted, we shall do more to promote the happiness of mankind than by busying ourselves about matters which we do not fully understand, and cannot efficiently control. There are great evils connected with the factory system in this country. Some of these evils might, I am inclined to think, be removed or mitigated by legislation. On that point many of my Friends differ from me; but we all agree in thinking that it is the duty of a British Legislator to consider the subject attentively, and with a serious sense of responsibility. There are also great social evils in Russia. The peasants of that empire are in a state of servitude. The Sovereign of Russia is bound by the most solemn obligations to consider whether he can do anything to improve the condition of that large portion of his subjects. If we watch over our factory children, and he watches over his peasants, much good may be done. But would any good be done if the Emperor of Russia and the British Parliament were to interchange functions; if he were to take under his patronage the weavers of Lancashire, if we were to take under our patronage the peasants of the Volga; if he were to say, "You shall send no cotton to Russia till you pass a Ten Hours' Bill;"—if we were to say, "You shall send no hemp or tallow to England till you emancipate your serfs?" On these principles, Sir, which seem to me to be the principles of plain common sense, I can, without resorting to any casuistical subtilties, vindicate to my own conscience, and, I hope, to my country, the whole course which I have pursued with respect to slavery. When I first came into Parliament, slavery still existed in the British dominions. I had, as it was natural that

I should have, a strong feeling on the subject. I exerted myself, according to my station and to the measure of my abilities, on the side of the oppressed. I shrank from no personal sacrifice in that cause. I do not mention this as matter of boast. It was no more than my duty. The right hon. Gentleman the Secretary of State for the Home Department, knows that, in 1833, I disapproved of one part of the measure which Lord Grey's Government proposed on the subject of slavery. I was in office; and office was then as important to me as it could be to any man. I put my resignation into the hands of Lord Spencer, and both spoke and voted against the Administration. To my surprise, Lord Grey and Lord Spencer refused to accept my resignation, and I remained in office; but during some days I considered myself as out of the service of the Crown. I at the same time heartily joined in laying a heavy burden on the country for the purpose of compensating the planters. I acted thus, because, being a British Legislator, I thought myself bound, at any cost to myself and to my constituents, to remove a foul stain from the British laws, and to redress the wrongs endured by persons who, as British subjects, were placed under my guardianship. But my especial obligations in respect of negro slavery ceased when slavery itself ceased in that part of the world for the welfare of which I, as a Member of this House, was accountable. As for the blacks in the United States, I feel for them, God knows! But I am not their keeper. I do not stand in the same relation to the slaves of Louisiana and Alabama as I formerly stood to the slaves of Demerara and Jamaica. I am bound, on the other hand, by the most solemn obligations, to promote the interests of millions of my own countrymen, who are not indeed in a state so miserable and degraded as that of the American slaves, but who are toiling hard from sunrise to sunset in order to obtain a scanty subsistence; who are often scarcely able to procure the necessaries of life; and whose lot would be alleviated if I could open new markets to them, and free them from



taxes which now press heavily on their industry. I see clearly that, by excluding the produce of slave labour from our ports, I should inflict great evil on my fellow-subjects and constituents. But the good which, by taking such a course, I should do to the negroes in the United States seems to me very problematical. That by admitting slave-grown cotton and slave-grown sugar we do, in some sense, encourage slavery and the Slave Trade, may be true. But I doubt whether, by turning our fiscal code into a penal code for restraining the cruelty of the American planters, we should not, on the whole, injure the negroes rather than benefit them. No independent nation will endure to be told by another nation "We are more virtuous than you; we have sat in judgment on your institutions; we find them to be bad; and, as a punishment for your offences, we condemn you to pay higher duties at our Custom-house than we demand from the rest of the world." Such language naturally excites the resentment of foreigners. I can make allowance for their susceptibility. For I myself sympathize with them. I know that Ireland has been misgoverned; and I have done, and purpose to do, my best to redress her grievances. But when I take up a New York journal and read there the rants of President Tyler's son, I feel so much disgusted by such insolent absurdity, that I am for a moment inclined to deny that Ireland has any reason whatever to complain. It seems to me that, if ever slavery is peaceably extinguished in the United States, that great and happy change must be brought about by the efforts of those enlightened and respectable American citizens who hate slavery as much as we hate it. Now I cannot help fearing that, if the British Parliament were to proclaim itself the protector and avenger of the American slave, the pride of those excellent persons would take the alarm. It might become a point of national honour with them to stand by an institution which they have hitherto regarded as a national disgrace. We should thus confer no benefit on the negro; and we should at the same time inflict cruel suffering on:

our own countrymen. On these grounds, Sir, I can, with a clear conscience, vote for the right hon. Baronet's propositions respecting the cotton and sugar of the United States. But on exactly the same grounds I can, with a clear conscience, vote for the Amendment of my noble Friend. And I confess that I shall be much surprised if the right hon. Baronet shall be able to point out any distinction between the cases. I have detained you too long, Sir; yet there is one point to which I must refer; I mean the refining. Was such a distinction ever heard of? Is there anything like it in all Pascal's Dialogues with the Old Jesuit? Not for the world are we to eat one ounce of Brazilian sugar. But we import the accursed thing; we bond it; we employ our skill and machinery to render it more alluring to the eye and to the palate; we export it to Leghorn and Hamburgh; we send it to all the coffee-houses of Italy and Germany; we pocket a profit on all this; and then we put on a Pharisaical air, and thank God that we are not like those sinful Italians and Germans who have no scruple about swallowing slave-grown sugar. Surely this sophistry is worthy only of the worst class of false witnesses. "I perjure myself! Not for the world. I only kissed my thumb; I did not put my lips to the calf skin." I remember something very like the right hon. Baronet's morality in a Spanish novel which I read long ago. I beg pardon of the House for detaining them with such a trifle; but the story is much to the purpose:—A wandering lad, a sort of Gil Blas, is taken into the service of a rich old silversmith, a most pious man, who is always telling his beads, who hears mass daily, and observes the feasts and fasts of the church with the utmost scrupulosity. The silversmith is always preaching honesty and piety. "Never," he constantly repeats to his young assistant, "never touch what is not your own; never take liberties with sacred things." Sacrilege, as uniting theft with profaneness, is the sin of which he has the deepest horror. One day while he is lecturing after his usual fashion, an ill-looking fellow comes into

the shop with a sack under his arm. "Will you buy these?" says the visitor, and produces from the sack some church plate and a rich silver crucifix. "Buy them!" cries the pious man. "No, nor touch them; not for the world. I know where you got them. Wretch that you are, have you no care for your soul?" "Well, then," says the thief, "if you will not buy them, will you melt them down for me?" "Melt them down!" answers the silversmith, "that is quite another matter." He takes the chalices and the crucifix with a pair of tongs; the silver thus in bond, is dropped into the crucible, melted, and delivered to the thief, who lays down five pistoles and decamps with his booty. The young servant stares at this strange scene. But the master very gravely resumes his lecture. "My son," he says, "take warning by that sacrilegious knave, and take example by me. Think what a load of guilt lies on his conscience. You will see him hanged before long. But as to me, you saw that I would not touch the stolen property. I keep these tongs for such occasions. And thus I thrive in the fear of God, and manage to turn an honest penny." You talk of morality. What can be more immoral than to bring ridicule on the very name of morality, by drawing distinctions where there are no differences? Is it not enough that this dishonest casuistry has already poisoned our theology? Is it not enough that a set of quibbles has been devised, under cover of which a divine may hold the worst doctrines of the Church of Rome, and may hold with them the best benefice of the Church of England? Let us at least keep the debates of this House free from the sophistry of Tract No. XC. And then the right hon. Gentleman the late President of the Board of Trade wonders that other nations consider our abhorrence of slavery and the Slave Trade as sheer hypocrisy. Why, Sir, how should it be otherwise? And if the imputation annoys us, whom have we to thank for it? Numerous and malevolent as our detractors are, none of them was ever so absurd as to charge us with hypocrisy because we took slave-grown tobacco and



slave-grown cotton, till the Government began to affect scruples about admitting Brazilian sugar. Of course, as soon as our Ministers ostentatiously announced to all the world that our fiscal system was framed on a new and sublime moral principle, every body began to inquire whether we consistently adhered to that principle. It required much less acuteness and much less malevolence than that of our neighbours to discover that this hatred of slave-grown produce was mere grimace. They see that we not only take tobacco produced by means of slavery and the Slave Trade, but that we positively interdict freemen in this country from growing tobacco. They see that we not only take cotton produced by means of slavery and of the Slave Trade, but that we are about to exempt this cotton from all duty. They see that we are at this moment reducing the duty on the slave-grown sugar of Louisiana. How can we expect them to believe that it is from a sense of justice and humanity that we lay a prohibitory duty on the sugar of Brazil? I care little for the abuse which any foreign press or any foreign tribune may throw on the Machiavelian policy of perfidious Albion. What gives me pain is, not that the charge of hypocrisy is made, but that I am unable to see how it is to be refuted. Yet one word more. The right hon. Gentleman the late President of the Board of Trade has quoted the opinions of two persons, highly distinguished by the exertions which they made for the abolition of slavery, my lamented friend Sir Thomas Fowell Buxton and Sir Stephen Lushington. It is most true that those eminent persons did approve of the principle laid down by the right hon. Baronet opposite in 1841. I think that they were in error; but in their error I am sure that they were sincere, and I firmly believe that they would have been consistent. They would have objected, no doubt, to my noble Friend's Amendment; but they would have objected equally to the right hon. Baronet's Budget. It was no prudent, I think, in Gentlemen opposite to allude to those respectable names. The mention of those names irresistibly carries the

mind back to the days of the great struggle for negro freedom. And it is but natural that we should ask, where, during that struggle, were those who now profess such loathing for slave-grown sugar? The three persons who are chiefly responsible for the financial and commercial policy of the present Government I take to be the right hon. Baronet at the head of the Treasury, the right hon. Gentleman the Chancellor of the Exchequer, and the right hon. Gentleman the late President of the Board of Trade. Is there anything in the past conduct of any one of the three which can lead me to believe that his sensibility to the evils of slavery is greater than mine? I am sure that the right hon. Baronet the First Lord of the Treasury would think that I was speaking ironically if I were to compliment him on his zeal for the liberty of the negro race. Never once, during the whole of the long and obstinate conflict which ended in the abolition of slavery in our Colonies, did he give one word, one sign of encouragement to those who suffered and laboured for the good cause. The whole weight of his great abilities and influence were in the other scale. I well remember that, so late as 1833, he declared in this House that he could give his assent neither to the plan of immediate emancipation proposed by my noble Friend who now represents Sunderland, nor to the plan of gradual emancipation proposed by Lord Grey's Government. I well remember that he said, "I shall claim no credit hereafter on account of this measure. All that I desire is to be absolved from the responsibility." As to the other two right hon. Gentlemen whom I have mentioned, they are West Indians, and their conduct was that of West Indians. I do not wish to give them pain, or to throw any disgraceful imputation on them. Personally I regard them with feelings of goodwill and respect. I do not question their sincerity; but I know that the most honest men are but too prone to deceive themselves into the belief that the path towards which they are impelled by their own interests and passions is the path of duty. I am con-

scious that this might be my own case; and I believe it to be theirs. As the right hon. Gentleman the Chancellor of the Exchequer has left the House, I will only say that, with respect to the question of slavery, he acted after the fashion of the class to which he belonged. But as the right hon. Gentleman the late President of the Board of Trade is in his place, he must allow me to bring to his recollection the part which he took in the debates of 1833. He then said, "You raise a great clamour about the cultivation of sugar. You say that it is a species of industry fatal to the health and life of the slave. I do not deny that there is some difference between the labour of a sugar plantation and the labour of a cotton plantation, or a coffee plantation. But the difference is not so great as you think. In marshy soils the slaves who cultivate the sugar cane suffer severely. But in Barbadoes, where the air is good, they thrive and multiply." He proceeded to say that, even at the worst, the labour of a sugar plantation was not more unhealthy than some kinds of labour in which the manufacturers of England are employed, and which nobody thinks of prohibiting. He particularly mentioned grinding. "See how grinding destroys the health, the sight, the life. Yet there is no outcry against grinding." He went on to say, that the whole question ought to be left by Parliament to the West Indian Legislatures. [Mr. Gladstone: Really I never said so. You are not quoting me at all correctly.] What, not about the sugar-cultivation and the grinding? [Mr. Gladstone: That is correct; but I never recommended that the question should be left to the West Indian Legislatures.] I have quoted correctly. But since my right hon. Friend disclaims the sentiment imputed to him by the reporters, I shall say no more about it. I have no doubt that he is quite right, and that what he said was misunderstood. What is undisputed, is amply sufficient for my purpose. I see that the party which now shows so much zeal against slavery in foreign countries, is the same party which formerly countenanced slavery



in the British Colonies. I remember a time when they maintained that we were bound in justice to protect slave-grown sugar against the competition of free-grown sugar, and even of British free-grown sugar. I now hear them calling on us to protect free-grown sugar against the competition of slave-grown sugar. I remember a time when they extenuated as much as they could the evils of the sugar cultivation. I now hear them exaggerating those evils. But devious as their course has been, there is one clue by which I can easily track them through the whole maze. Inconstant in everything else, they are constant in demanding protection for the West Indian planter. While he employs slaves, they do their best to apologize for the evils of slavery. As soon as he is forced to employ freemen, they begin to cry up the blessings of freedom. They go round the whole compass, and yet to one point they steadfastly adhere: and that point is the interest of the West Indian proprietors. I have done, Sir; I thank the House most sincerely for the patience and indulgence with which I have been heard. I hope that I have at least vindicated my own consistency. How Her Majesty's Ministers will vindicate their consistency, how they will show that their conduct has at all times been guided by the same principles, or even that their conduct at the present time is guided by any fixed principle at all, I am unable to conjecture.

## MAYNOOTH COLLEGE GRANT.\*

APRIL 14, 1845.

SIR, I have no intention of following the hon. Gentleman [Mr. Gregory] who last sat down into a discussion on an Amendment which has not been moved. When my hon. Friend the Member for Sheffield shall think it expedient to propose to us a Motion upon the subject which he has repeatedly introduced to the notice of the House, I may, perhaps, request your indulgence while I offer a few remarks on the question. At present it is sufficient that I should explain why I think it my duty to vote for the second reading of this Bill, which I think I cannot do better than by passing in review, as rapidly as I can, the principal objections which have been made in this House, and out of the House, to the measure now before us. It seems to me, Sir, that these objections, or at least by far the greater part of them, may be readily arranged under three heads. There is, in the first place, a large class of persons who, it seems, do not object to the grant to Maynooth already made; but object to the proposed increase of the existing grant. There is, again, a large and respectable body of persons who object to any grant whatever—to the old grant as well as to the increase for religious purposes. They conceive that they are not justified, either as private individuals or as Members of a State, in contributing to the propagation of what they deem to be error. There are others who take a still wider ground—those who say that, without inquiry whether the Catholic Church teaches truth or error, they on either supposition object to any and

\* Hansard, 3d Series, vol. lxxix. p. 646-658.

every endowment for its clergy, or the principle of opposing all State endowments. They are advocates of the voluntary system; and if consistent to the opinions they profess, they ought equally to disapprove of the maintenance by the State of the endowments of the Established Church of Ireland as well as the grant to the Presbyterian clergy. Now, as to the first of these parties I must confess I am exceedingly surprised that there should be found in this country any person not objecting to the old grant, who yet takes the very fallacious and untenable ground of objecting to its increase. I am forced, however, to believe that there are many such persons. When I remember how quietly this grant has passed in former years, and with what violent excitement the proposed increase is opposed; what small minorities have voted against this grant in former years, and how large a body of persons come down to vote against the increase, I must think there is a very considerable number of persons who, if the right hon. Baronet at the head of the Government had merely proposed the original vote of £9,000, would have voted for it without the smallest scruple, and yet whose minds are greatly troubled by his proposal. I cannot but wonder that it should be so, for this is a question which I cannot conceive that any human ingenuity can convert into one of principle. Of all the strange contrarieties which ever entered into the human mind, this is the strangest, for the question is purely and solely one between £9,000, and £26,000 a-year. ["No, No."] I cannot tell how hon. Gentlemen opposite understand the objection I am considering, but thus it appears to me. I am speaking not of those who object to any grant to Maynooth; I am speaking of those who say that if a vote of £9,000 had been proposed, as last year, they would have voted for it, and yet who do object to the increase to which we are asked to consent. I understand the advocate of the voluntary system, who says, "Whether the Roman Catholic Church teaches truth or error, I on principle will grant it no support." I understand the



zealous Protestant, who says, "On account of the errors of the Roman Catholic Church, I think it wrong to give her clergy any support from the public purse, and, therefore, I refuse my consent;" and I understand the Protestant, equally zealous, but in my opinion more enlightened, who says, "In spite of the errors of the Roman Catholic Church, I do think myself at liberty to grant some aid." But I cannot understand the man who admits the propriety of the former grant, and resists the increase; who says, "In spite of the errors of the Roman Catholic Church, I am at liberty to grant her aid; but on account of her errors that aid shall be a pittance it is disgraceful for me to give, and her to receive; her rites are so superstitious that I will give her a squalid, dilapidated chapel wherein to perform them; her doctrines are so absurd, that I will find a professor to teach them, to whom I will give wages I would not offer to my groom." I cannot understand those Gentlemen who say they have no objection to a Catholic establishment, provided it be shabby; they have no objection to support those persons who are to teach the doctrines of religion, and administer the sacraments to the next generation of the Irish people, provided only those persons shall cost something less than the pay of a common infantry soldier; they have no objection to board them, provided only the allowance for their board be made so scanty that they are compelled, as we have been told, to break up their studies before the proper time, merely for want of provisions; they have no objections to lodge them, if only they are packed like pigs in a sty, exposed to wind and rain. Is it possible to conceive anything more frivolous or absurd? Can any principle of action be clearer or better founded than this—whatever it is lawful to do, you ought to do it well? Can anything be more evident than that, if it be right to keep up a college, it is right to keep it up respectably? Whatever this institution be, whether good or bad, it is clearly an important institution; it is established to form the opinions and moral character of those who are themselves to form

the moral character of a nation. It may be right to withhold patronage from it altogether; that is a very grave question; but what I say is, if you do give patronage at all, it should be patronage worthy of the greatness of the object and the dignity of the donor. It is with a peculiarly bad grace, I must say, that the Member for the University to which I have the honour to belong—a Gentleman who never voted, or thought it necessary on any occasion whatever, to oppose the grant of £9,000—now opposes strenuously the grant of £26,000; I say, that objections of that sort come with a very bad grace from one who is the Representative of an English University. When I consider with what magnificence religion and science are endowed in our Universities; when I call to mind their long streets of palaces, their venerable cloisters, their trim gardens—their chapels with organs, altar-pieces, and stained windows; when I remember their schools, libraries, museums, and galleries of art; when I remember too, all the solid comforts provided in those places both for instructors and pupils, the stately dwellings of the principals, the commodious apartments of the fellows and scholars; when I remember that the very sizers and servitors are lodged far better than you propose to lodge those priests who are to teach the whole people of Ireland; when I think of the halls, the common-rooms, the bowling-greens, even the stabling of Oxford and Cambridge—the display of old plate on the tables, the good cheer of the kitchen, the oceans of excellent ale in the buttery, and when I remember from whom all this splendour and plenty are derived; when I remember the faith of Edward III. and Henry VI., of Margaret of Anjou and Margaret of Richmond, of William of Wykeham, of Archbishop Chicheley and Cardinal Wolsey; when I remember what we have taken from the Roman Catholic religion—King's College, New College, my own Trinity College, and Christ's Church—and when I look at the miserable Do-the-boys-Hall we have given them in return—I ask myself if we, and if the

Protestant religion, are not disgraced by the comparison? If the advocates of this opinion have convinced themselves that there is a clear distinction of principle between £9,000 and £26,000—if they can show us it is a question of principle—if some of them would rise and do that—I, for one, shall be ready to give way. I believe I may safely defy any of them; and I must remain unconverted by them. There are some who say that a contract was made at the time of the Union with the Irish Parliament; and this, it is suggested, binds us to the maintenance, but not to the increase of the grant. Now, I must freely say, with those petitioners who have laid so much paper and parchment on your Table, that I do not admit the existence of this contract. Even if there be any contract with the old Irish Parliament and people, still this would not absolve us from the business of legislating for this College. If the measure of endowment be in itself pernicious we have a right to deal with the grant on the ground of its own merits. I do not think there is likely to be much dispute between Gentlemen in this House on that head. I conceive I am as much at liberty to deal with this as with any other subject concerning Ireland—to vote for the abolition or reduction of the grant, as I should be to vote on a grant for the artillery or the marines. Suppose you admit a contract; that will not get you out of the difficulty. How would that prove the radical difference between £9,000 and £26,000? Construe it as you would, you would not be able to establish the distinction you aim at. What is the contract? Are you bound to do for Maynooth what the Irish Parliament did for it? Or are you bound to maintain it efficiently and respectably? If you are only bound to do for it what the Irish Parliament did, £9,000 is too much; but if you are bound to maintain it efficiently and respectably, then I defy any person to argue that the £26,000 now proposed is too much. I say, therefore, it seems to me impossible that any such distinction as hon. Gentlemen opposite suppose can be established. If the grant of



£26,000 be innocent, vote it; but I think it cannot be contended that if £26,000 would be wrong, because it is contrary to our moral obligations to encourage error, a grant of £9,000 would not be wrong also. I come now to an objection which I should be sorry to treat lightly—I mean, the religious objection. That is, simply stated, “The Church of Rome teaches error; and you are not justified, either as individuals or a State, in contributing to its propagation.” I must say, I cannot admit the soundness of that proposition: I think it wholly impossible to deny that there are occasions on which the State is bound to contribute from its resources to objects, on the promotion of which the propagation of some amount of error may be consequent. Let me be clearly understood. It is undoubtedly a very plausible proposition, that you ought always to do your best to spread truth, and never to propagate error; but if the constitution of the human mind and the state of the world be such that it is impossible, on any large and extensive scale, to propagate truth at all without some intermixture of error; if no machinery has yet been devised by which error could be absolutely excluded; if even those rays of moral light which come down to us from on high, pure and perfect as they are in themselves, necessarily become in some degree refracted, distorted, and obscure, when they enter that dark and gross atmosphere in which we breathe—what then? I presume that no Christian, no Protestant Christian, will deny that if it be possible to propagate pure truth, it must be by the circulation of the Scriptures; and yet, when that is tried—when you circulate the Scriptures, what difficulties are experienced! I remember being in the East, when a translation into the Oriental languages was proceeding with great vigour, munificently assisted by societies in this country, assiduously attended by men whose object was to enlighten the natives of India. The translation was very well executed, but every skilful Orientalist knew that there were errors in it; and every one must acknowledge how impossible it

would be to take any particular version of Sacred Truth and say, human infirmity has left no error here—human transcribers are to be detected in no fault. If that be the case even with the Scriptures themselves, how much more will it be the case with the institutes of men!—how much more will all the machinery they employ with schools and books; for you may send forth teachers and circulate tracts, but neither the one nor the other are inspired. Are your teachers infallible, are your tracts perfect? Look at your own Church! Many persons advocate an addition to the means of religious instruction already existing in this country; will they say that the Church teaches truth without admixture of error? Does both the Church of England and the Church of Scotland teach truth without any admixture of error? or that, though the same in principle, their doctrines and government do in many respects differ? Then, when you endow and protect both these institutions, must you not in one case or the other be disseminating a certain amount of error? Go into either of them, which is perfect? Take the Church of Scotland before the late unhappy separation. Will anybody say that there was not a large amount of error within its communion? There were at one time, Dr. Robertson and Dr. Erskine preaching under the same roof, one in the morning, the other in the afternoon, upon two different systems of doctrine; so different that the admirers of the one thought those of the other fanatics, while they in their turn regarded the former as Arians. Again, is the Church of England one in which no error is to be found? Is not the whole country convulsed with the different doctrines which are taught by its ministers? My hon. Friend the Member for Oxford wants Church extension; he demands a large addition to the Establishment; is it because he thinks no error is taught within the Church? Is it not absolutely certain, that whether those who are called Tractarians or the Evangelical party be in the right, some people get into the pulpits who are very much in the wrong? My hon. Friend himself will say that one or other

of these propagates opinions which he holds to be erroneous. It is quite clear, then, that in the Church of England a great deal of error is taught; and if we were to vote one or two millions to increase the endowments of the Church of England, a great proportion must go to the propagation of error. What is the result? My hon. Friend defends his plan of Church extension. The missionary at Serampore defends his translation of the Scriptures, many copies of which he gives away among the native population. But do we propagate error for the sake of propagating error? Far from it. But some alloy must necessarily be mixed with the truth. It is the effect of human infirmity. Therefore the principle which we follow is this: where truth is of such importance and value that it is in the highest degree desirable it should be known, we will not refrain from circulating it, in spite of an alloy of error in it, by any means in our power. We think it better, in the first place, that the people should be taught some portion of truth than not be taught at all; and secondly, we do not stand in the way of those who would teach more truth. It is much better that the people of Ireland should be Roman Catholics than have no religion at all. The argument that we might as well contribute to teach the people the worship of Juggernaut and Kalee, is of no force. It is not logically necessary that we should go to the extreme of supporting Juggernaut and Kalee. That which is good and valuable in the Roman Catholic religion is so much out of proportion to that which has nothing at all good and valuable, that it is infinitely better that the Irish peasantry should live and die Roman Catholics, than indulge their passions without any religious restraints, bear the calamities of life without the consolations of religion, and die at last without religious hope. In the course, therefore, which it is now proposed to pursue, we are, I conceive, conducing to their instruction and advantage. Then the question is, Do I stand in the way of anything better? Do I offer an obstacle to the advancement of pure



religion? Will that be impeded by giving better instruction to those who are to teach the people? If there is any Gentleman in this House who, after the experience of generations, believes that by withholding this grant to Maynooth College he gives an impulse whereby to bear down the Roman Catholic religion, I think he ought on that ground to vote against the grant; but I find it difficult to imagine, after the experience we have had, that any Gentleman can seriously be of that opinion. These, then, are the considerations that satisfy my mind. I do not aim at propagating error. To do so is not only wrong, but diabolical; but I say that it is of the greatest importance that Christianity, even in a form which I think greatly tainted with error, should prevail in Ireland, and have influence on the peasantry; and seeing not the slightest probability that it would have that influence except in the form of Roman Catholicism, I think we are at liberty to confer this boon in spite of the error which I believe to be mixed up with the Roman Catholic Religion. Nay, I think we are bound to provide competent instruction for those who are to teach that religion. Then as to the objection founded on the voluntary principle. I admit that there is great force in that objection; but I say, even if we were to admit the general argument to be in favour of the voluntary principle, that this case forms an exception. Is there any case like it? Here you see Ireland with a population of some eight millions, and with an Established Church, the members of which amount only to about 800,000, richly endowed. I recollect that it was stated in the debates of 1833, that among the twelve prelates retained there was divided the sum of £70,000. There is an archbishop with £10,000, and there are bishops with large emoluments. You have, at the same time, the Protestant Dissenters in the North of Ireland receiving in another form an endowment from the State; and then you have four-fifths of the population—the poorest of all—those who stand the most in need of assistance from the State (if any have a right to it), and who

are the very people for whom these endowments were intended by the donors, receiving no aid from the Government in the way of payment of their spiritual teachers. Even if you deny the validity of endowments generally, can you say that this is not a case which stands by itself? and can you apply to it, even if you are opposed to State endowments generally, an argument founded on such an objection? I was quite astonished to hear the hon. Member for Shrewsbury tell us that, if we made this grant, it would be utterly impossible for us to resist the claim of the Wesleyan Methodists and other dissenters. Are the cases analogous? Is there the slightest resemblance between them? There are 16,000,000 of people in England. Show me that the Wesleyan Methodists number 13,000,000; that there is an Established Church here with 1,500,000 only of persons belonging to it; that the other dissenters are receiving a *Regium Donum*—add to this that large endowments bequeathed to John Wesley and his followers have been taken away by Parliament and given to the Church, and that the Wesleyan Methodists ask for £26,000 a-year to educate their clergy. Give me that case, and I will be prepared to take it into consideration. But you will bring me no such case either from England or the whole world. It is impossible to give it anywhere but Ireland. How could it be? It could not be in England; it could not be in France; nor in Prussia. It could be only in a country in one particular situation; and what I am going to mention is a consideration which reconciles me much to laying on the nation this burden. It could be only in the case of a weak country connected with a more powerful country which had abused its power and enabled the minority to triumph over the majority. Never but in Ireland, and under the circumstances I have mentioned, did such a case exist; and while these great endowments exist, and are appropriated in a different way from their original intentions, I do not conceive that it is open to me, however strong my general feeling might be on the voluntary principle, to meet the Irish, who

ask for £17,000 more for the education of their priests, and say to them, I am on principle opposed to such a grant. Where the grant is to come from remains for an after discussion ; the question now is whether it shall be made, or not. It appears, therefore, perfectly clear to me, in the first place, that if we have no scruple about granting £9,000, we can have no conscientious scruple about granting £26,000. In the second place, it seems to me to be impossible to maintain to the full extent that we ought never to contribute to propagate error, without making it impossible for the State or individuals to make exertions to propagate truth ; and lastly, it appears to me that the particular circumstances in which the Catholic population of Ireland is placed in reference to the Established Church of that country, do, even supposing the voluntary principle to be generally the sounder principle, take the case of Ireland out of the operation of that sound principle, and constitute it an exception. They make it one of a morbid character, and as it were a *lusus naturæ*. Under such circumstances I feel convinced that if we were to oppose this grant from any notion of asserting the principles of religious equality, we should only be giving a victory not to the friends of religious liberty, but to those who are the most opposed to religious liberty. These are the chief observations which I have to offer with respect to the measure itself ; but another class of considerations has been forced upon our notice. We were called on, upon the first night of this debate, to oppose this measure, whatever its merits might be, because it was brought forward by men who could not justly or honorably bring it forward. A similar argument has been repeated to-night ; and I conceive, that on this occasion we may, and ought not from party spirit or vindictive feeling, but from a just regard for the public interest, and for the character of public men, to go into some of the circumstances connected with this matter. Undoubtedly it is of the highest importance that we should pass good laws, but it is also of the highest importance that public men should have



some great fixed principles, and that they should be guided by those fixed principles in office and in opposition. It is most important that it should not appear to the world that a mere change of situation produces a complete change of opinion. I think I need not attempt to prove that a particular measure may be exceedingly good, and may yet, when viewed in connection with the former conduct and opinions of those who bring it forward, be lowered in public estimation. When such is the case, our course is clear. We ought to distinguish between the measure and its authors. The measure we are bound, on account of its intrinsic merits, to support; while with regard to its authors it may be our duty to speak of their conduct in terms of censure. In such terms of censure I feel it my duty to speak of the conduct of Her Majesty's present advisers. I have no feeling of personal hostility; and I trust that the political hostility I shall avow by no means precludes me from admitting that the right hon. Baronet at the head of the Government is a man of considerable capabilities as a legislator; he possesses great talents for debate, for the management of this House, and for the transaction of official business. He has great knowledge, and I doubt not is actuated by a sincere desire to promote the interests of the country; but it is impossible for me with truth to deny that there is too much ground for the reproaches of those who having, in spite of bitter experience, a second time trusted and raised him to power, have found themselves a second time deluded. It is impossible for me not to say that it has been too much the habit of the right hon. Baronet to make use of, when in opposition (as he has done in reference to the present question), passions with which he has not the slightest sympathy, and prejudices which he regards with profound contempt. As soon as he reaches power, a change—a salutary change for the country—takes place. The instruments are flung aside—the ladder by which he climbed is kicked down. This is not a solitary instance, and I am forced to say that

this sort of conduct is pursued by the right hon. Baronet on something like a system. I shall not attempt to go over the events of years ago. I shall say nothing more of 1827 and 1829 than this—that one such change is quite enough for one man. Again, the right hon. Baronet was in opposition, and again he and those with whom he had acted returned to their old tactics. I will not go through the history of all those manœuvres by which the Whig Government was overthrown; I will only ask this question, whether there be one single class of men which rallied round the right hon. Baronet at that time which does not now declare bitterly against him? One part of this subject I will leave to the management of the landed Gentlemen, and I shall confine myself to the matter before us. I defy any man to deny that the cry which most injured the Melbourne Government was the No Popery cry. This was admitted by the hon. Member for northamptonshire (Mr. O'Brien). Is there a single person in this house who believes that if four years ago my noble Friend (Lord J. Russell) had brought in this Bill, it would not have been opposed by the whole party then in opposition? Indeed, four years ago we were discussing a very different Bill. At that time **the party** in opposition brought in a Bill which, though under another name, was neither more nor less than a Bill to disfranchise the people of Ireland by tens of thousands. They brought it in and pressed it on, representing it to be necessary for the good government of Ireland; and all their followers declared that it was necessary it should pass in order to purge the House of Commons of the minions of Popery. It was argued, on the other hand, that that Bill would destroy the Irish constituency, and the right hon. Gentlemen opposite have since shown by their conduct that they knew it would have that effect. We pleaded for delay—we asked the party in opposition to wait till we institute inquiries as to the effect of the measure—we called on them to wait at least till the next Session. No notice was taken of our appeals; the Irish

Registration Bill was stated to be of the utmost urgency, and it was pressed on the House. At length a change took place—a change from opposition to power. The right hon. Baronet's instruments were needed no more. The right hon. Baronet has been in power for four years, and has had a Parliament which would have passed the Irish Registration Bill. Where is the Irish Registration Bill? Flung away, positively pronounced by its authors to be so oppressive and destructive of the representative system that no Minister of the Crown could venture to propose it. That Bill having been thrown away, what has been substituted for it? Why, the present Bill for the endowment of Maynooth College. Did ever person witness such legerdemain? You offer to the eager, honest, hotheaded Protestant, a Bill to take privileges away from the Roman Catholics of Ireland, if he will only assist you to power. He lends you his aid; and then, when you are in power, you turn round on him and give him a Bill for the religious endowment of the Roman Catholic College in Ireland. Is it strange that such proceedings as these should excite indignation? Can we wonder at the clamour which has been raised in the country, or be surprised at the petitions which have been showered, thick as a snow storm, on the Table of the House? Is it possible that the people out of doors should not feel indignation at seeing that the very parties who, when we were in office, voted against the Maynooth grant, are now being whipped into the House in order to vote for an increased Maynooth grant? The natural consequences follow. Can you wonder that all those fierce spirits whom you have taught to harass us, now turn round and begin to worry you? The Orangeman raises his howl, and Exeter-hall sets up its bray, and Mr. McNeile is horror-stricken to think that a still larger grant is intended for “the priests of Baal” at the table of “Jezebel;” and your Protestant operatives of Dublin call for the impeachment of the Minister in exceedingly bad English. But what did you expect? Did you think, when



you called up for your own purposes the devil of religious animosities, that you could lay him as easily as you raised him? Did you think, when Session after Session you went on attacking those whom you knew to be in the right, and flattering the prejudices of those whom you knew to be in the wrong, that the day of reckoning would never come? That day has come; and now, on that day, you are doing penance for the disingenuousness of years. If it be not so, clear your fame as public men, manfully before this House and this country. Show us some clear principle, with respect to Irish affairs, which has guided you, both in office and in opposition. Show us how, if you are honest in 1845, you could have been honest in 1841. Explain to us why, after having, when out of place, goaded Ireland into madness, in order to ingratiate yourselves with England, you are now throwing England into a flame in order to ingratiate yourselves with Ireland. Let us hear some argument that, as Ministers, you are entitled to support, which shall not equally show that you were the most factious and unprincipled Opposition this country ever saw. Sir, these are my opinions respecting the conduct of the Ministry; but am I, therefore, to take the counsel of the hon. Member for Shrewsbury (Mr. Disraeli), and vote against this Bill? Not so. I believe the fate of the Bill, and the fate of the Ministry, to be in our hands; but I believe the spectacle of inconsistency which is exhibited on that Bench will do mischief enough. That mischief will not be lessened, but infinitely increased, if an answering display of inconsistency be made on this side of the House. Admit that the circumstances of this Bill being brought in by Tories or Conservatives, whichever they term themselves, may of itself produce evils, they would be doubled, if it were rejected by means of the Whigs. It seems to me, that then we should have nothing before us but one vast shipwreck of all the public character in the kingdom. And, therefore it is, that though at the cost of sacrifices which it is not agreeable to any

man to make, and restraining many feelings that I own stir strongly within me, I have determined to give to this Bill through all its stages my most steady support. To this Bill, and to every Bill emanating from the Government, which shall appear to me calculated to make Great Britain and Ireland one united kingdom, I will give my support, regardless of obloquy—regardless of the risk which I know I run of losing my seat in Parliament. Obloquy so earned, I shall readily meet. As to my seat in Parliament I will never hold it by an ignominious tenure; and **I am sure, that I can never lose it in a more honourable cause**

APRIL 23, 1845.\*

I WAS desirous, Sir, to catch your eye this evening, because it happens that I have never yet found an opportunity of fully explaining my views on the important subject of the Irish Church. Indeed, I was not in this country when that subject for a time threw every other into the shade, disturbed the whole political world, produced a schism in the Administration of Lord Grey, and overthrew the short Administration of the right hon. Baronet opposite. The Motion now before us opens, I conceive, the whole question. My hon. Friend the Member for Sheffield, indeed, asks us only to transfer £26,000 a-year from the Established Church of Ireland to the College of Maynooth. But this Motion, I think, resembles an action of ejectment brought for a single farm, with the view of trying the title to a large estate. Whoever refuses to assent to what is now proposed, must be considered as holding the opinion that the property of the Irish Church ought to be held inviolate: and I can scarcely think that any person will vote for what is now proposed, who is not prepared to go very much farther. The point at issue, I take, therefore, to be this—whether the Irish Church, as now constituted, shall be maintained or not? Now, Sir, when a legislator is called upon to decide whether an institution shall be maintained or not, it seems to me that he ought in the first place to examine whether it be a good or a bad institution. This may sound like a truism; but if I am to judge by the speeches which on this and former occasions have been made by gentlemen opposite, it is no truism, but an exceedingly

\* Hansard, 3d Series, vol. lxxix. p. 1180–1198.



recondite truth. I, Sir, think the Established Church of Ireland a bad institution. I will go farther. I am not speaking in anger, or with any wish to excite anger in others; I am not speaking with rhetorical exaggeration—I am calmly and deliberately expressing in the only appropriate terms an opinion which I formed many years ago; which all my observations and reflections have confirmed; and which I am prepared to support by reasons—when I say that of all the institutions now existing in the civilized world, the Established Church of Ireland seems to me the most absurd. I cannot help thinking that the speeches of those who defend this Church, suffice of themselves to prove that my views are just. For who ever heard anybody defend it on its merits? Has any gentleman to-night defended it on its merits? We are told of the Roman Catholic oath, as if that oath, whatever be its construction, whatever be the extent of the obligation which it lays on the consciences of those who take it, could possibly prove this Church to be a good thing. We are told that the Catholics of note, both laymen and divines, fifty years ago, declared that, if they were relieved from the disabilities under which they then lay, they should willingly see the Church of Ireland in possession of all its endowments; as if anything that anybody said fifty years ago could absolve us from the plain duty of doing what is now best for the country. We are told of the Fifth Article of Union; as if the Fifth article of Union were more sacred than the Fourth. Surely, if there be any Article of the Union which ought to be regarded as inviolable, it is the Fourth, which settles the number of Members whom Great Britain and Ireland respectively are to send to Parliament. Yet the provisions of the Fourth Article have been altered with the almost unanimous assent of all parties in the State. The change was proposed by the noble Lord who is now Secretary for the Colonies. It was supported by the right hon. Baronet the Secretary for the Home Department, and by other Members of the present Administration.

And so far were the opponents of the Reform Bill from objecting to this infraction of the Treaty of Union, that they were disposed to go still farther. I well remember the night on which we debated the question, whether Members should be given to Finsbury, Marylebone, Lambeth, and the Tower Hamlets. On that occasion, the Tories attempted to seduce the Irish Reformers from us, by promising that Ireland should have a share of the plunder of the metropolitan districts. After this, Sir, I must think it childish in Gentlemen opposite to appeal to the Fifth Article of the Union. With still greater surprise, did I hear the right hon. Gentleman the Secretary for Ireland say, that if we adopt this Amendment, we shall make all landed and funded property insecure. I am really ashamed to answer such an argument. Nobody proposes to touch any vested interest; and surely it cannot be necessary for me to point out to the right hon. Gentleman the distinction between property in which some person has a vested interest, and property in which no person has a vested interest. That distinction is part of the very rudiments of political science. Then the right hon. Gentleman quarrels with the form of the Amendment. Why, Sir, perhaps a more convenient form might have been adopted. But is it by cavils like these that a great institution should be defended? And who ever heard the Established Church of Ireland defended except by cavils like these? Who ever heard any of her advocates take the manly, the statesmanlike course? Who ever heard any of her advocates say—"I de end this institution because it is a good institution: the ends for which an Established Church exists are such and such: and I will show you that this Church attains those ends?" Nobody says this. Nobody has the hardihood to say it. What divine, what political speculator, who has written in defence of ecclesiastical establishments, ever defended such establishments on grounds which will support the Church of Ireland? What panegyric has ever been pronounced on the Churches of England

and Scotland, which is not a satire on the Church of Ireland ! What traveller comes among us, who is not moved to wonder and derision by the Church of Ireland ? What foreign writer on British affairs, whether European or American, whether Protestant or Catholic, whether Conservative or Liberal, whether partial to England or prejudiced against England, ever mentions the Church of Ireland, without expressing his amazement that such an establishment should exist among reasonable men ? And those who speak thus of it speak justly. Is there anything else like it ! Was there ever anything else like it ! The world is full of ecclesiastical establishments. But such a portent as this Church of Ireland, is nowhere to be found. Look round the Continent of Europe. Ecclesiastical establishments from the White Sea to the Mediterranean ; ecclesiastical establishments from the Wolga to the Atlantic : but nowhere the Church of a small minority enjoying exclusive establishment. Look at America. There you have all forms of Christianity, from Mormonism, if you call Mormonism Christianity, to Romanism. In some places you have the voluntary system. In some you have several religions connected with the State. In some you have the solitary ascendancy of a single Church. But nowhere from the Arctic Circle to Cape Horn, do you find the Church of a small minority exclusively established. Look round our own Empire. We have an Established Church in England ; it is the Church of the majority. There is an Established Church in Scotland. When it was set up it was the Church of the majority. A few months ago it was the Church of the majority. I am not sure that even, after the late unhappy disruption, it is the Church of the minority. In our Colonies the State does much for the support of religion ; but in no Colony, I believe, do we give exclusive support to the religion of the minority. Nay, even in those parts of the Empire where the great body of the population is attached to absurd and immoral superstitions, you have not been guilty of the folly and



injustice of calling on them to pay for a Church which they do not want. We have not portioned out Bengal and the Carnatic into parishes, and scattered Christian rectors with stipends and glebes, among millions of Pagans and Mahometans. We keep, indeed, a small Christian establishment, or rather three small Christian establishments, Anglican, Presbyterian, and Catholic. But we keep them only for the Christians in our civil and military services; and we leave untouched the revenues of the mosques and temples. In one country alone is to be seen the spectacle of a community of 8,000,000 of human beings, with a Church which is the Church of only 800,000. It has been often said, and has been repeated to-night by the hon. Member for Radnor, that this Church, though it includes only a tenth part of the population, has more than half the wealth of Ireland. But is that an argument in favour of the present system? Is it not the strongest argument that can be urged in favour of an entire change? It is true that there are many cases in which it is fit that property should prevail over number. Those cases may, I think, be all arranged in two classes. One class consists of those cases in which the preservation or improvement of property is the object in view. Thus in a railway company, nothing can be more reasonable than that one proprietor who holds 500 shares should have more power than five proprietors who hold one share each. The other class of cases in which property may justly confer privileges is where superior intelligence is required. Property is indeed but a very imperfect test of intelligence. But, when we are legislating on a large scale, it is perhaps the best which we can apply. For where there is no property, there can very seldom be any mental cultivation. It is on this principle that special jurors who have to try causes of peculiar nicety are taken from a wealthier order than that which furnishes common jurors. But there cannot be a more false analogy than to reason from these cases to the case of an Established Church. So far is it

from being true that in establishing a Church we ought to pay more regard to one rich man than to five poor men, that the direct reverse is the sound rule. We ought to pay more regard to one poor man than to five rich men. For in the first place, the public ordinances of religion are of far more importance to the poor man than to the rich man. I do not mean to say that a rich man may not be the better for hearing sermons and joining in public prayers. But these things are not indispensable to him; and if he is so situated that he cannot have them, he may find substitutes. He has money to buy books, time to study them, understanding to comprehend them. Every day he may commune with the minds of Hooker, Leighton, and Barrow. He therefore stands less in need of the oral instruction of a divine than a peasant who cannot read, or who, if he can read, has no money to procure books, or leisure to peruse them. Such a peasant, unless instructed by word of mouth, can know no more of Christianity than a wild Hottentot. Nor is this all. The poor man not only needs the help of a minister of religion more than the rich man, but is also less able to procure it. If there were no Established Church, people in our rank of life would always be provided with preachers to their mind at an expense which they would scarcely feel. But, when a poor man who can hardly give his children their fill of potatoes, has to sell his pig in order to pay something to his priest, the burden is a heavy one. This is, in fact, the strongest reason for having an established Church in any country. It is the one reason which prevents me from joining with the partisans of the voluntary system. I should think their arguments unanswerable if the question regarded the upper and middle classes only. If I would keep up the Established Church of England, it is not for the sake of lords, and baronets, and country gentlemen of £5,000 a-year, and rich bankers in the city, I know that such people will always have churches, aye, and cathedrals, and organs, and rich communion plate. The person

about whom I am uneasy is the working man; the man who would find it difficult to pay even 5s. or 10s. a-year out of his small earnings for the ministrations of religion. What is to become of him under the voluntary system? Is he to go without religious instruction altogether? That we should all think a great evil to himself and a great evil to society. Is he to pay for it out of his slender means? That would be a heavy tax. Is he to be dependent on the liberality of others. That is a somewhat precarious and a somewhat humiliating dependence. I prefer, I own, that system under which there is, in the rudest and most secluded districts, a house of God, where public worship is performed after a fashion acceptable to the great majority of the community, and where the poorest may partake of the ordinances of religion, not as an alms, but as a right. But does this argument apply to a Church like the Church of Ireland? It is not necessary on this occasion to decide whether the arguments in favour of ecclesiastical establishments, or the arguments in favour of the voluntary system, be the stronger. There are weighty considerations on both sides. Balancing them as well as I can, I think that, as respects England, the preponderance is on the side of the Establishment. But, as respects Ireland, there is no balancing. All the weights are in one scale. All the arguments which incline us against the Church of England, and all those arguments which incline us in favour of the Church of England, are alike arguments against the Church of Ireland; against the Church of the few, against the Church of the wealthy, against the Church which, reversing every principle on which a Christian Church should be founded, fills the rich with its good things, and sends the hungry empty away. One view which has repeatedly, both in this House and out of it, been taken of the Church of Ireland, seems to deserve notice. It is admitted, as indeed it could not well be denied, that this Church does not perform the functions which are everywhere else expected from similar institu-



tions; that it does not instruct the body of the people; that it does not administer religious consolation to the body of the people. But, it is said, we must regard this Church as an aggressive Church, a proselytizing Church, a Church militant among spiritual enemies. Its office is to spread Protestantism over Munster and Connaught. I remember well that, eleven years ago, when Lord Grey's Government proposed to reduce the number of Irish bishoprics, this language was held. It was acknowledged that there were more bishops than the number of persons then in full communion with the Established Church required. But that number, we were assured, would not be stationary; and the hierarchy, therefore, ought to be constituted with a view to the millions of converts who would soon require the care of Protestant pastors. I well remember the strong expression which was then used by my hon. Friend the Member for the University of Oxford. We must, he said, make allowance for the expansive force of Protestantism. A few nights ago a noble Lord for whom I, in common with the whole House, feel the greatest respect, the Member for Dorsetshire, spoke of the missionary character of the Church of Ireland. Now, Sir, if such language had been held at the Council Board of Queen Elizabeth when the constitution of this Church was first debated there, there would have been no cause for wonder. Sir William Cecil or Sir Nicholas Bacon might very naturally have said, "There are few Protestants now in Ireland, it is true. But when we consider how rapidly the Protestant theology has spread, when we remember that it is little more than forty years since Martin Luther began to preach against indulgences, and when we see that one half of Europe is now emancipated from the old superstition, we may reasonably expect that the Irish will soon follow the example of the other nations which have embraced the doctrines of the Reformation." Cecil, I say, and his colleagues might naturally entertain this expectation, and might without absurdity make preparations for

an event which they regarded as in the highest degree probable. But we who have seen this system in full operation from the year 1569 to the year 1845, ought to have been taught better, unless indeed we are past all teaching. Two hundred and eighty-five years has this Church been at work. What could have been done for it in the way of authority, privileges, endowments, which has not been done? Did any other set of bishops and priests in the world ever receive so much for doing so little? Nay, did any other set of bishops and priests in the world ever receive half as much for doing twice as much? And what have we to show for all this lavish expenditure? What but the most zealous Roman Catholic population on the face of the earth? Where you were 100 years ago, where you were 200 years ago, there you are still, not victorious over the domain of the old faith, but painfully and with dubious success defending your own frontier, your own English pale. Sometimes a deserter leaves you. Sometimes a deserter steals over to you. Whether your gains or losses of this sort be the greater I do not know, nor is it worth while to inquire. On the great solid mass of the Roman Catholic population you have made no impression whatever. There they are, as they were ages ago, ten to one against the members of your Established Church. Explain this to me. I speak to you, the zealous Protestants on the other side of the House. Explain this to me on Protestant principles. If I were a Roman Catholic, I could easily account for the phenomena. If I were a Roman Catholic, I should content myself with saying that the mighty hand and the outstretched arm had been put forth according to the promise in defence of the unchangeable Church; that he who in the old time turned into blessings the curses of Balaam, and smote the host of Sennacherib, had signally confounded the arts and the power of heretic statesmen. But what is a Protestant to say? He holds that, through the whole of this long conflict during which ten generations of men have been born and have died,

reason and Scripture have been on the side of the Established Clergy. Tell us then what we are to say of this strange war, in which reason and Scripture, backed by wealth, by dignity, by the help of the civil power, have been found no match for oppressed and destitute error? The fuller our conviction that our doctrines are right, the fuller, if we are rational men, must be our conviction that our tactics have been wrong, and that we have been encumbering the cause which we meant to aid. Observe, it is not only the comparative number of Roman Catholics and Protestants that may justly furnish us with matter for serious reflection. The quality as well as the quantity of Irish Romanism deserves to be considered. Is there any other country inhabited by a mixed population of Catholics and Protestants, any other country in which Protestant doctrines have long been freely promulgated from the press and from the pulpit, where the Roman Catholic spirit is so strong as in Ireland? I believe not. The Belgians are generally considered as very stubborn and zealous Roman Catholics. But I do not believe that in either stubbornness or zeal they equal the Irish. And this is the fruit of three centuries of Protestant archbishops, bishops, archdeacons, deans, and rectors. And yet where is the wonder? Is this a miracle that we should stand aghast at it? Not at all. It is a result which human prudence ought to have long ago foreseen and long ago averted. It is the natural succession of effect to cause. If you do not understand it, it is because you do not understand what the nature and operation of a Church is. There are parts of the machinery of Government which may be just as efficient when they are hated as when they are loved. An army, a navy, a preventive service, a police force, may do their work whether the public feeling be with them or against them. Whether we dislike the corn laws or not, your custom-houses and your coast-guard keep out foreign corn. The multitude at Manchester were not the less effectually dispersed by the yeomanry,



because the interference of the yeomanry excited the bitterest indignation. There the object was to produce a material effect; the material means were sufficient; and nothing more was required. But a Church exists for moral ends. A Church exists to be loved, to be revered, to be heard with docility, to reign in the understandings and hearts of men. A Church which is abhorred, is useless or worse than useless; and to quarter a hostile Church on a conquered people, as you would quarter a soldiery, is therefore the most absurd of mistakes. This mistake our ancestors committed. They posted a Church in Ireland just as they posted garrisons in Ireland. The garrisons did their work. They were disliked. But that mattered not. They had their forts and their arms, and they kept down the aboriginal race. But the Church did not do its work. For to that work the love and confidence of the people were essential. I may remark in passing that, even under more favourable circumstances, a parochial priesthood is not a good engine for the purpose of making proselytes. The Church of Rome, which, whatever we may think of her ends, has shown no want of sagacity in the choice of means, knows this well. When she makes a great aggressive movement—and many such movements she has made with signal success—she employs not her parochial clergy, but a very different machinery. The business of her parish priests is to defend and govern what has been won. It is by the religious orders, and especially by the Jesuits, that the great acquisitions have been made. In Ireland your parochial clergy lay under two great disadvantages. They were endowed, and they were hated; so richly endowed that few among them cared to turn missionaries; so bitterly hated that those few had but little success. They long contented themselves with receiving the emoluments arising from their benefices, and neglected all those means to which, in other parts of Europe, Protestantism had owed its victory. It is well known that of all the means employed by the Reformers of Germany, of England,

and of Scotland, for the purpose of moving the public mind, the most powerful was the Bible translated into vernacular tongues. In Ireland the Protestant Church had been established near half a century before the New Testament was printed in Erse. The whole Bible was not printed in Erse till this Church had existed more than 120 years. Nor did the publication at last take place under the patronage of the lazy and wealthy hierarchy. The expense was defrayed by a layman, the illustrious Robert Boyle. So things went on century after century. Swift, more than 100 years ago, describes the prelates of his country as men gorged with wealth and sunk in indolence, whose chief business was to bow and rob at the Castle. The only spiritual function, he says, which they performed was ordination; and when he saw what persons they ordained, he doubted whether it would not be better that they should neglect that function as they neglected every other. Those, Sir, are now living who can well remember how the revenues of the richest see in Ireland were squandered on the shores of the Mediterranean by a bishop, whose epistles, very different compositions from the epistles of St. Peter and St. John, may be found in the correspondence of Lady Hamilton. Such abuses as these called forth no complaint, no reprimand. And all this time the true pastors of the people—meanly fed and meanly clothed, frowned upon by the law, exposed to the insults of every petty squire who gloried in the name of Protestant, were to be found in miserable cabins, amidst filth, and famine, and contagion, instructing the young, consoling the miserable, holding up the crucifix before the eyes of the dying. Is it strange that, under such circumstances, the Roman Catholic religion should have been constantly becoming dearer and dearer to an ardent and sensitive people, and that your Established Church should have been constantly sinking lower and lower in their estimation? I do not of course hold the living clergy of the Irish Church answerable for the faults of their predecessors. God forbid! To do so would be

the most flagitious injustice. I know that a salutary change has taken place. I have no reason to doubt that in learning and regularity of life the Protestant clergy of Ireland are on a level with the clergy of England. But in the way of making proselytes they do as little as those who preceded them. An enmity of 300 years separates the nation from those who should be its teachers. In short, it is plain that the mind of Ireland has taken its ply, and is not to be bent in a different direction, or, at all events, is not to be so bent by your present machinery. Well, then, this Church is inefficient as a missionary Church. But there is yet another end which, in the opinion of some eminent men, a church is meant to serve. That end has been often in the minds of practical politicians. But the first speculative politician who distinctly pointed it out was Mr. Hume. Mr. Hume, as might have been expected from his known opinions, treated the question merely as it related to the temporal happiness of mankind; and, perhaps, it may be doubted whether he took quite a just view of the manner in which even the temporal happiness of mankind is affected by the restraints and consolations of religion. He reasoned thus:—It is dangerous to the peace of society that the public mind should be violently excited on religious subjects. If you adopt the voluntary system, the public mind will always be so excited. For every preacher, knowing that his bread depends on his popularity, seasons his doctrine high, and practises every art for the purpose of obtaining an ascendancy over his hearers. But when the Government pays the minister of religion, he has no pressing motive to inflame the zeal of his congregation. He will probably go through his duties in a somewhat perfunctory manner. His power will not be very formidable; and such as it is, it will be employed in support of that order of things under which he finds himself so comfortable. Now, Sir, it is not necessary to inquire whether Mr. Hume's doctrine be sound or unsound. For, sound or unsound, it furnishes no ground on which you can rest the



defence of the institution which we are now considering. It is evident that by establishing in Ireland the Church of the minority in connexion with the State, you have produced, in the very highest degree, all those evils which Mr. Hume considered as inseparable from the voluntary system. You may go all over the world without finding another country where religious differences take a form so dangerous to the peace of society; where the common people are so much under the influence of their priests; or where the priests who teach the common people are so completely estranged from the civil Government. And now, Sir, I will sum up what I have said. For what end does the Church of Ireland exist? Is that end the instruction and solace of the great body of the people? You must admit that the Church of Ireland has not attained that end? Is the end which you have in view the conversion of the great body of the people from the Roman Catholic religion to a purer form of Christianity? You must admit that the Church of Ireland has not attained that end. Or do you propose to yourselves the end contemplated by Mr. Hume, the peace and security of civil society? You must admit that the Church of Ireland has not attained that end. In the name of common sense, then, tell us what good end this Church has attained; or suffer us to conclude, as I am forced to conclude, that it is emphatically a bad institution. It does not, I know, necessarily follow that, because an institution is bad, it is therefore to be immediately destroyed. Sometimes a bad institution takes a strong hold on the hearts of mankind, intertwines its roots with the very foundations of society, and is not to be removed without serious peril to order, law, and property. For example, I hold polygamy to be one of the most pernicious practices that exist in the world. But if the Legislative Council of India were to pass an Act prohibiting polygamy, I should think that they were out of their senses. Such a measure would bring down the vast fabric of your Indian Empire with one crash. But is there any similar

reason for dealing tenderly with the Established Church of Ireland? That Church, Sir, is not one of those bad institutions which ought to be spared because they are popular, and because their fall would injure good institutions. It is, on the contrary, so odious, and its vicinage so much endangers valuable parts of our polity, that even if it were in itself a good institution, there would be strong reasons for giving it up. The hon. Gentleman who spoke last told us that we cannot touch this Church without endangering the Legislative Union. Sir, I have given my best attention to this important point; and have arrived at a very different conclusion. The question to be determined is this—What is the best way of preserving political union between countries in which different religions prevail? With respect to this question we have, I think, all the light which history can give us. There is no sort of experiment described by Lord Bacon which we have not tried. Inductive philosophy is of no value if we cannot trust to the lessons derived from the experience of more than 200 years. England has long been closely connected with two countries less powerful than herself, and differing from herself in religion. The Scottish people are Presbyterians; the Irish people are Roman Catholics. We determined to force the Anglican system on both countries. In both countries great discontent was the result. At length Scotland rebelled. Then Ireland rebelled. The Scotch and Irish rebellions, taking place at a time when the public mind of England was greatly and justly excited, produced the Great Rebellion here, and the downfall of the Monarchy, of the Church, and of the Aristocracy. After the Restoration we again tried the old system. During twenty-eight years we persisted in the attempt to force Prelacy on the Scotch; and the consequence was, during those twenty-eight years Scotland exhibited a frightful spectacle of misery and depravity. The history of that period is made up of oppression and resistance, of insurrections, barbarous punishments, and assassinations. One

day a crowd of zealous rustics stand desperately on their defence, and repel the dragoons. Next day the dragoons scatter and hew down the flying peasantry. One day the knee-bones of a wretched Covenanter are beaten flat in that accursed boot. Next day the Lord Primate is dragged out of his carriage by a band of raving fanatics, and, while screaming for mercy, is butchered at the feet of his own daughter. So things went on, till at last we remembered that institutions are made for men, and not men for institutions. A wise Government desisted from the vain attempt to maintain an episcopal Establishment in a Presbyterian nation. From that moment the connexion between England and Scotland became every year closer and closer. There were still, it is true, many causes of animosity. There was an old antipathy between the nations, the effect of many blows given and received on both sides. All the greatest calamities that had befallen Scotland had been inflicted by England. The proudest events in Scottish history were victories obtained over England. Yet all angry feelings died rapidly away. The union of the nations became complete. The oldest man living does not remember to have heard any demagogue breathe a wish for separation. Do you believe that this would have happened if England had, after the Revolution, persisted in attempting to force the surplice and the Prayer Book on the Scotch? I tell you that if you had adhered to the mad scheme of producing a religious union with Scotland, you never would have had a cordial political union with her. At this very day you would have had monster meetings on the north of the Tweed, and another Conciliation Hall, and another repeal button, with the motto "*Nemo me impune lacessit.*" In fact, England never would have become the great power that she is. For Scotland would have been, not an addition to the effective strength of the Empire, but a deduction from it. As often as there was a war with France or Spain, there would have been an insurrection in Scotland. Our country would have sunk into a kingdom of the



second class. One such Church as that about which we are now debating is a serious encumbrance to the greatest empire. Two such Churches no empire could bear. You continued to govern Ireland during many generations as you had governed Scotland in the days of Lauderdale and Dundee. And see the results. Ireland has remained, indeed, a part of your Empire. But you know her to be a source of weakness rather than of strength. Her misery is a reproach to you. Her discontent doubles the dangers of war. Can you, with such facts before you, doubt about the course which you ought to take? Imagine a physician with two patients, both afflicted with the same disease. He applies the same sharp remedies to both. Both become worse and worse with the same inflammatory symptoms. Then he changes his treatment of one case, and gives cordials. The sufferer revives, grows better day by day, and is at length restored to perfect health. The other patient is still subjected to the old treatment, and becomes constantly more and more disordered. How would a physician act in such a case? And are not the principles of experimental philosophy the same in politics as in medicine? Therefore, Sir, I am fully prepared to take strong measures with regard to the Established Church of Ireland. It is not necessary for me to say precisely how far I would go. I am aware that it may be necessary in this, as in other cases, to content to a compromise. But the more complete the reform which may be proposed, provided always that vested rights be, as I am sure they will be, held strictly sacred, the more cordially shall I support it. That some reform is at hand I cannot doubt. In a very short time we shall see the evils which I have described mitigated, if not entirely removed. A Liberal Administration would make this concession to Ireland from a sense of justice. A Conservative Administration will make it from a sense of danger. The right hon. Baronet has given the Irish a lesson which will bear fruit. It is a lesson which rulers ought to be slow to teach;

for it is one which nations are not slow to learn. We have repeatedly been told by acts—we are now told almost in express words—that agitation and intimidation are the means which ought to be employed by those who wish for redress of grievances from the party now in power. Such, indeed, has too long been the policy of England towards Ireland; but it was surely never before avowed with such indiscreet frankness. Every epoch which is remembered with pleasure on the other side of St. George's Channel, coincides with some epoch which we here consider as disastrous and perious. To the American war and the volunteers the Irish Parliament owes its independence. To the French revolutionary war the Irish Roman Catholics owed the elective franchise. It was in vain that all the great orators and statesmen of two generations exerted themselves to remove the Roman Catholic disabilities—Burke, Fox, Pitt, Windham, Grenville, Grey, Plunkett, Wellesley, Grattan, Canning, Wilberforce—argument and expostulation were fruitless. At length pressure of a stronger kind was boldly and skilfully applied; and soon all difficulties gave way. The Catholic Association—the Clare election—the dread of civil war, produced the Emancipation Act. Again, the cry of No Popery was raised. That cry succeeded. A faction which had reviled in the bitterest terms the mild administration of Whig Viceroys, and which was pledged to the wholesale disfranchisement of the Roman Catholics, rose to power. One leading member of that faction had drawn forth loud cheers by declaiming against the minions of Popery. Another had designated 6,000,000 of Irish Catholics as aliens. A third had publicly declared his conviction, that a time was at hand when all Protestants of every persuasion would find it necessary to combine firmly against the encroachments of Romanism. From such men we expected nothing but oppression and intolerance. We are agreeably disappointed to find that a series of conciliatory measures is brought before us. But, in the midst of our delight, we cannot

refrain from asking for some explanation of so extraordinary a change. We are told in reply, that the monster meetings of 1843 were very formidable, and that our relations with America are in a very unsatisfactory state. The public opinions of Ireland are to be consulted—the religion of Ireland is to be treated with respect, not because equity and humanity plainly enjoin that course—for equity and humanity enjoined that course as plainly when you were calumniating Lord Normanby, and hurrying forward your Registration Bill; but because Mr. O'Connell and Mr. Polk have between them made you very uneasy. Sir, it is with shame, with sorrow, and, I will add, with dismay, that I listen to such language. I have hitherto disapproved of the monster meetings of 1843. I have disapproved of the way in which Mr. O'Connell and some other Irish Representatives have seceded from this House. I should not have chosen to apply to those Gentlemen the precise words which were used on a former occasion by the hon. and learned Member for Bath. But I agreed with him in substance, I thought it highly to the honour of my right hon. Friend the Member for Dungarvon, and of my hon. Friends the Members for Kildare, for Roscommon, and for the city of Waterford, that they had the moral courage to attend the service of this House, and to give us the very valuable assistance which they are, in various ways, so well qualified to afford. But what am I to say now? How can I any longer deny that the place where an Irish Gentleman may best serve his country is Conciliation Hall? How can I expect that any Irish Roman Catholic can be very sorry to learn that our foreign relations are in an alarming state, or can rejoice to hear that all danger of war has blown over? I appeal to the Conservative Members of this House. I ask them whither we are hastening? I ask them what is to be the end of a policy of which it is the principle to give nothing to justice, and everything to fear? We have been accused of truckling to Irish agitators. But I defy you to show us that w.



ever made or are now making to Ireland a single concession which was not in strict conformity with our known principles. You may therefore trust us, when we tell you that there is a point where we will stop. Our language to the Irish is this:—"You asked for emancipation: it was agreeable to our principles that you should have it; and we assisted you to obtain it. You wished for a municipal system, as popular as that which exists in England: we thought your wish reasonable, and did all in our power to gratify it. This grant to Maynooth is, in our opinion, proper; and we will do our best to obtain it for you, though it should cost us our popularity and our seats in Parliament. The Established Church in your island, as now constituted, is a grievance of which you justly complain. We will strive to redress that grievance. The Repeal of the Union we regard as fatal to the Empire: and we never will consent to it; never, though the country should be surrounded by dangers as great as those which threatened her when her American Colonies, and France, and Spain, and Holland, were leagued against her, and when the armed neutrality of the Baltic disputed her maritime rights; never, though another Bonaparte should pitch his camp in sight of Dover Castle; never, till all has been staked and lost; never, till the four quarters of the world have been convulsed by the last struggle of the great English people for their place among the nations." This, Sir, is the true policy. When you give, give frankly. When you withhold, withhold resolutely. Then what you give is received with gratitude; and, as for what you withhold, men, seeing that to wrest it from you is no safe or easy enterprise, cease to hope for it, and, in time, cease to wish for it. But there is a way of so withholding as merely to excite desire, and of so giving as merely to excite contempt; and that way the present Ministry has discovered. Is it possible for me to doubt that in a few months the same machinery which extorted the Emancipation Act, and which has extorted the Bill before us, will again be put

in motion. Who shall say what will be the next sacrifice? For my own part I firmly believe that, if the present Ministers remain in power five years longer, and if we should have—which God avert!—a war with France or America, the Established Church of Ireland will be given up. The right hon. Baronet will come down to make a proposition conceived in the very spirit of the Motions which have repeatedly been made by my hon. Friend the Member for Sheffield. He will again be deserted by his followers; he will again be dragged through his difficulties by his opponents. Some honest Lord of the Treasury may determine to quit his office rather than belie all the professions of a life. But there will be little difficulty in finding a successor ready to change all his opinions at twelve hours' warning. I may, perhaps, while cordially supporting the Bill, again venture to say something about consistency, and about the importance of maintaining a high standard of political morality. The right hon. Baronet will again tell me, that he is anxious only for the success of his measure, and that he does not choose to reply to taunts. And the right hon. Gentleman the Chancellor of the Exchequer will produce *Hansard*, will read to the House my speech of this night, and will most logically argue that I ought not to reproach the Ministers with their inconsistency; seeing that I had, from my knowledge of their temper and principles, predicted to a tittle the nature and extent of that inconsistency. Sir, I have thought it my duty to brand with strong terms of reprehension the practice of conceding in time of public danger, what is obstinately withheld in time of public security. I am prepared, and have long been prepared, to grant much, very much, to Ireland. But if the Repeal Association were to dissolve itself to-morrow—and if the next steamer were to bring news that all our differences with the United States were adjusted in the most honourable and friendly manner—I would grant to Ireland neither more nor less than I would grant if we were on the eve of a rebellion like that of 1798; if war were

raging all along the Canadian frontier; and if thirty French sail of the line were confronting our fleet in St. George's Channel. I give my vote from my heart and soul for the Amendment of my hon Friend. He calls on us to make to Ireland a concession, which ought in justice to have been made long ago, and which may be made with grace and dignity even now. I well know that you will refuse to make it now. I know as well, that you will make it hereafter. You will make it as every concession to Ireland has been made. You will make it when its effect will be not to appease, but to stimulate agitation. You will make it when it will be regarded, not as a great act of national justice, but as a confession of national weakness. You will make it in such a way, and at such a time, that there will be but too much reason to doubt whether more mischief has been done by your long refusal, or by your tardy and enforced compliance.



## UNIVERSITIES (SCOTLAND) BILL.\*

JULY 9, 1845.

I HAVE been requested by my right hon. and learned Friend the Member for Leith (Mr. Rutherford), to act as his substitute on this occasion (the moving of the Second Reading). I very greatly regret that a substitute should be necessary. I regret that we have not him amongst us to take charge of this measure, which he introduced to a very thin House indeed, in one of the most forcible and luminous speeches it has ever been my lot to hear. The few hon. Members, however, who were then present, cannot fail to remember the powerful effect which the speech of my hon. and learned Friend, on applying for leave to bring in the Bill, produced. The Ministers who came down to oppose it relinquished their objections to it. They hesitated; they consulted together; and at last, under the irresistible influence of his eloquence, they consented that he should have leave to bring in the Bill. They subsequently appeared to regard the Bill with favour, and his hon. and learned Friend, with himself, was thus induced to expect that the opposition to it was over. We anticipated that this important and salutary measure would be suffered to become law. But we have been disappointed. It has been intimated to us that it is the intention of Her Majesty's Government to resist the further progress of the measure; and under these circumstances I now rise to move the Second Reading of the Bill. Were this an ordinary occasion, I should, under such cir-

cumstances, despair of success ; but when I consider the strength of our cause, and recollect the justice and necessity on which it is founded, I cannot think it possible that even the opposition of Her Majesty's Government could succeed against it. I should consider success not only possible, but certain, if I did not know how imperfectly most English Gentlemen are informed on subjects immediately connected with Scotland. It is on this account that, departing from the ordinary course, I think it necessary, even after the able and eloquent statement of my hon. and learned Friend in introducing the measure, to address the House, instead of simply moving the second reading of this Bill ; and in doing so I shall beg the attention of the English Gentlemen present to the state of Scotland. I hope that they will think that on this occasion the Member for Edinburgh has some right to their indulgence. I have been sent to this House as the Representative of a great city, which was once the capital of an independent kingdom—once the seat of a Court and of a Parliament ; and, though for the general good it descended from that eminence, it still continues the intellectual metropolis of a great and intelligent people. Their chief distinction of late years has been derived from their University, which was practically constituted on the pure principles of toleration now advocated by Her Majesty's Ministers. So constituted, it has flourished during several generations, a blessing to the Empire, and renowned, to the furthest ends of the world, as a great school of physical and moral science. This noble and beneficent institution is now threatened with a complete and ignominious alteration in its character by the shortsighted and criminal policy of Her Majesty's Government, and by the virulence of ecclesiastical faction, which is bent on persecution, without even the miserable excuse of fanaticism. Nor is it only Edinburgh that is threatened. In pleading for it, I plead for all the great academic institutions of Scotland. The fate of all depends on the discussion of this night ; and, while pleading for them, I am confident that I shall be heard

with favour by every one who loves learning and religious liberty. I shall now proceed, therefore, without further preface, to the consideration of the Bill before the House. I say, first, that this Bill is founded on a sound principle. I say, secondly, that even if the principle of this Bill were not one which could be defended as generally sound, still the principles of the Ministers should make them desirous of passing the Bill ; and, thirdly, I say, that if the Bill ought to pass, it ought not to be delayed by the Government. I state, first, that the principle of this Bill is a sound principle ; and whoever else may undertake to controvert that assertion, by Her Majesty's Ministers, at least, it cannot be controverted. From their mouth a declaration will not sound well, that literary and scientific instruction is inseparably connected with spiritual instruction. It will not do for them to rail against the principle of this Bill as establishing "a godless system of education ;" or to talk with horror of the danger of young men listening to lectures delivered by an Arian professor of botany, or a Popish professor of chemistry. They have contended that those sciences can be taught without reference to a religious creed. They have, for a country in which a great proportion of those who require academical education are dissenters from the Established Church, advocated a system of academical education altogether separate from religious tests. In that case they have thrown open the professorships to every creed ; and they have strenuously defended this principle against attacks from opposite quarters—against the attacks of zealous members of the Church of England, and of the prelates of the Church of Rome. A test was offered only the day before yesterday for their acceptance by the hon. Baronet the Member for North Devon (Sir T. Acland), a test singularly moderate, merely requiring the professors to declare their belief in the divine authority of the Old and New Testaments ; and even this test the Ministers resisted as inconsistent with the principles of their measure. It was then argued that it was unnecessary to



apply such a test to professors of secular science ; that it was unworthy to insinuate that they would inculcate infidelity on their pupils ; and all men must remember with what scorn the Ministers discarded the notion that science could not be taught except in conjunction with a religious creed. The right hon. Gentleman at the head of the Government said that it was utterly impossible to suppose that the professors would stoop to conduct anything so degrading, and abuse the confidence reposed in them. We heard in other quarters the use of very different language ; but that language made as little impression on Ministers as on me. We were told that secular knowledge, unsanctioned and unaccompanied by sound views of pure religion, was not merely useless, but was positively noxious—that it was not a blessing but a curse. I respect most deeply some of those who used that language ; but it appears to me that this proposition is one which, while you state it in merely general terms, may possibly have a pleasing sound to the ears of some persons, but which, when brought to a test by applying it to the real concerns of life, is so monstrous and ludicrous that refutation is out of the question. Is it seriously meant, that if the captain of an Indiaman should be a Socinian, it would be better that he should not know the science of navigation ; and that if a druggist should be a Swedenborgian, it would be better that he did not know the difference between Epsom salts and oxalic acid ? Is it seriously meant, that 100,000,000 of the Queen's subjects, being Mahomedans and Hindoos, and progressing towards our state of civilization, should be sunk below the aborigines of New South Wales, without an alphabet, and without the rudiments of arithmetic ? Gentlemen who mean seriously that secular knowledge, unsanctioned by a pure system of religion, is a positive evil, must go that length ; but I should think that no sane man would be found to do that. At least, I never could conceive how an error in geology or astronomy could be corrected by divinity, or how a man well acquainted with his Bible could be saved from

scientific errors. On these grounds, I cordially supported the measure which her Majesty's Government introduced with respect to the Irish Colleges. The principle of the Irish Colleges Bill, and the principle of the Bill the second reading of which I now move, are the same; and the House and the country have a right to know why those who bring in the Irish Colleges Bill call on us to throw out the present Bill. It is most true, that in Scotland there is no clamour against the English connexion. It is true, that in Scotland there is no demagogue who thinks to obtain popular favour by attempting to excite animosity against men of the English race; and it is true, that in Scotland there is no party who would venture to speak of the enemies of the State as possible to be, under any circumstances, the allies of Scotland. In every extremity the Scotch people will be found faithful to the common cause of the Empire; but it will not, I hope, be thought—I am sure that, at any rate, it will not be publicly avowed—that on this account a measure bestowed as a boon on another part of the Empire, ought to be withheld from Scotland. But if this is not the distinction, where are we to look for a distinction? In Scotland, as well as in Ireland, unhappily, the Established Church is the church of the minority of the population. It is perfectly true, that the proportion of Dissenters to the Established Church in Scotland is not so great as in Ireland; but we cannot say that on this occasion we are dealing with the whole of the population. The question concerns that class which requires academical education; and among that class in Scotland the proportion of Dissenters from the Established Church, it would not be very difficult to show, is as great as the proportion of Roman Catholics among a similar class in Ireland. If it is desirable that there should be no sectarian education in Ireland, it is no less desirable in Scotland. If it is desirable that Protestants and Catholics should study together at Cork, it is no less desirable that the sons of elders of the Established Church of Scotland, and the sons of those who are separated from that Church,

should study together at Edinburgh. If it is not desirable to require from Irish professors a declaration that they believe in the divine authority of the Gospels, on what ground is it necessary to call on the Scotch professors to say that they assent to every clause in the Confession of Faith? I defy right hon. Gentlemen opposite, with all their ingenuity and eloquence, to find one argument or rhetorical topic bearing against this Bill, which would not be as effectual against their own Irish Colleges Bill. I consider this Bill, then, as safe from attack, with respect to its principle, from Her Majesty's Ministers. But I go further; and I say that, even if I did not hold the principle of this Bill to be most sound and excellent, I could still show, in the peculiar case of Scotland, some irresistible reasons for adopting the Bill, and for inducing many who even voted against the Irish Colleges Bill, to vote in favour of the present Bill. In the first place, I would call attention to the peculiar character of academical institutions in Scotland. The case of Scotland differs widely from the case of England and from the case of Ireland. The English Universities have a character of their own—an ancient, deeply marked character. It may be good, or may be bad; that question I will not now argue; but this we must acknowledge, that it is in perfect harmony with the system of tests. The Irish Colleges have no character. They have to receive their character from the Legislature, and we may impress on them what character we please. If we think it desirable to give them a character not in harmony with the system of tests, we may do so. But the Scotch Universities have a distinct character, as strongly marked as that of the English institutions, and altogether out of harmony with the system of tests. I entreat English Gentlemen not to suppose that the system of discipline or mode of instruction in them is like that in the English Universities, or that there are such authorities in them as the Provost of King's College is, or the Warden of New College. This is a distinct question from anything connected with the English Universities,



and is to be decided on different grounds. We are not introducing a precedent for allowing dissenters to be professors at Oxford and Cambridge. There is, in fact, no analogy whatever between the Universities of the two countries. What ought to be done with respect to the English Universities is a perfectly distinct question, and to be dealt with on perfectly distinct grounds. The object of the Universities of Cambridge and Oxford is, to bring up young men in connexion with a particular Church. At Cambridge, no person is suffered to graduate without declaring his adhesion to that Church. The rule at Oxford is even more strict; for on matriculation a declaration on oath must be made. The discipline, even outside the walls of the Colleges, is analogous to that pursued within. The students are lodged in the Colleges, and are obliged to attend to the strictest regulations with regard to their conduct, and to attend constantly in chapel and in hall. A person is appointed in each College to note the absence of the young men from divine service, another to watch their absence from hall, and another to keep account of those who return to the College at late hours; and University officers parade the streets by night, as a sort of University police, to seize upon any students they may find beyond the walls of their respective Colleges. In these Universities, there are punishments for any breach of decorum, and the authorities of the University have the power of control over the conduct of the pupils. The Scotch Universities are of a different nature. They do not pretend to inculcate one form of religious opinion more than another; a Jew might become a Master of Arts or a Doctor of Medicine as readily as a member of the Church of Scotland. No academical authority has a right to ask a young man attending the University whether he went to the Synagogue or the Catholic chapel, to the Free Church or the Established Church. As to the moral conduct of the young men beyond the walls of the University, no influence could be exercised, and none of the heads of it could interfere with a student for conduct in the streets

of Edinburgh. The proceedings in Edinburgh were similar to branches of scientific education in London. A young man might attend lectures at St. George's Hospital, or the Lectures of Mr. Faraday in Albemarle Street, to learn chemistry, and of Mr. Carlyle on German literature, without any interference on the part of his instructors beyond the lecture room. Would it not be absurd to require a religious test from the lecturers to medical students at St. George's Hospital, at Surgeons' Hall, or in other places where science was taught? The relation between those parties being exactly analogous to the relation existing between the Scotch professors and Scotch students, on what principle can we defend the requiring of religious tests from the Scotch professors? If I held all the opinions of those Gentlemen who most dislike the Scotch system, I should say, after all, that in such a system religious tests would be out of place. Where you aim at bringing up young men as members of a particular Church, there is a reason for requiring from all who educate, a test to show that they belong to that Church; but where you do not propose to inculcate certain religious opinions, it is absurd to require that men should be Protestants before they give lectures on chemistry, or Trinitarians before they can take medical degrees. I therefore say, that the peculiar character of the Scotch Universities is, in my opinion, one strong reason to agree to this Bill. The peculiar engagements which exist between the English and Scottish nations also appear to me a strong reason for adopting the Bill. Some Gentlemen may think that I am venturing on dangerous ground. We have heard that the Treaty of Union and the Act of Security require us to prevent the passing of such a measure. I say that by those Acts I am not bound to throw this measure out; but that I am bound to adopt it, or some measure to the same effect; and this I undertake to prove by irresistible arguments. I shall resort to no paltry quibbling with the view of explaining away words. I utterly repudiate such an attempt when made in reference to ques-

tions like this. If I thought that the public exigencies required us to break through the Treaty of Union, I would say so openly, and should never quibble at words. I mean to deal with the Treaty of Union as a solemn engagement. In what sense was that treaty adopted by the contracting parties; and more especially, in what sense was it understood by that party which, if there is any doubt, ought to prevail, that party being the weaker party, and standing in need of a guarantee? It was declared by that Treaty that no person should be a teacher or office-bearer at the Universities who did not subscribe to the Confession of Faith; or, in other words, did not declare his adhesion to the Established Church. What Established Church was that? It was the Church established in 1707, when the Union was adopted. Is the Church of Scotland, at the present moment, on all points constituted as that Church was in 1707? I answer, certainly not. The British Legislature violated the Articles of the Union, and made a change in the constitution of the Church of Scotland. From that change has flowed almost all the dissent now existing in Scotland; and if you attempt to enforce the letter of the Articles of the Act of Union against the Dissenters, you are actually excluding from acting as officers of the Universities precisely those persons to whom the Act of Union meant to give the exclusive possession of the academic offices. This I undertake to prove. Every person who knows anything of the ecclesiastical history of Scotland must be aware that in the opinion of the great body of Scotch Presbyterians, the mode in which pastors are appointed is a matter of great importance. From the time of the Reformation the great body of Scotch Presbyterians held that in some form or other the people ought to have a share in the appointment of their Ministers. They do not consider this as a thing indifferent; they consider it as a matter *jure divino*, for they think that according to the revealed word of God, no individuals are entitled to be ministers to congregations if their preaching does not tend to edify the



congregations. I am sure that I do not exaggerate when I say that members of the Church of England do not attach more importance to their ecclesiastical government and ordination, than many Scotchmen who fear God and honour their Queen, attach to this right of a popular voice in the choice of their spiritual ministers. What was the state of the Church of Scotland as constituted in 1707? It was constituted in a manner satisfactory to the great part of the Presbyterian body. In 1690, the Act was passed for the regulation of the presbyteries, and giving to popular bodies a share in the election of the ministers, which then was considered an essential principle of the Church of that country. The Church of Scotland was so constituted when England entered into the solemn engagement with Scotland, by which the two countries were united, and in which it was declared that the then form of the Church should remain and continue unalterable. But five years after the Union there was a violation of this Article of the Union—a violation, the consequences of which I never think upon without regarding them as one of the most solemn warnings history presents to States, always to keep public faith strictly inviolate—and without a conviction, that in the end, though long periods, though whole generations may elapse, retribution for the injustice will come. In the year 1712, it is well known how the country was governed: the Whigs, who were the chief authors of the Union, who had carried on the war with Louis XIV., had been driven from power; they had fallen in consequence of the prosecution of Dr. Sacheverell, and the enmity of the Church of England. A Tory ministry was in office—brought in and kept in by the Tory country gentlemen. The heads of that Ministry, but still more its followers, regarded the Presbyterians of Scotland with great dislike; that was a feeling which persons acquainted with the writings of Swift would know existed at that time. The general feeling was, that the English nation and the English Church had made a bad bargain, of which they were desirous to get

rid, and which, as far as they possibly could, without risking the general safety of the State, they ought to violate. During their short period of power they did offer numerous petty insults to the opinions, or, if you please, the prejudices of the Presbyterians; but the chief act on which they ventured was the introduction of a Bill abolishing the law of 1690, and giving back the power of filling up vacant benefices to lay patrons. Of the history of that Bill we have a little in Burnet, and we have something very significant in our own Journals. The measure was hurried on with the greatest speed, that it might be got through the House before intimation of it could reach Scotland; for those were not the days of railroads, when a speech made at two or three o'clock in the morning, is read the same day at Exeter and Newcastle. The significant entry on our Journals respecting it is this—there was an obstinate fight, and in the debate on the third reading, it was ordered that the Act of Union and the Act of Security should be read to the House. This is a pretty clear indication of what the feeling was on that occasion. But the Bill got up to the House of Lords; then came a petition from the General Assembly of Scotland against it. The first name attached to the petition was that of Carstairs, an eminent man, who had enjoyed the confidence of William III., and well known for the share he took in the establishment of the Church of Scotland after the Revolution. In that petition, their Lordships were prayed not to violate the Act of Union; but party spirit ran high, and bore down all opposition; the Act of Union was violated; year after year the General Assembly protested against the violation, but in vain; and from the Act of 1712, undoubtedly flowed every secession and schism that has taken place in the Church of Scotland. It is true that the Act being upon the Statute Book was not a necessary reason that men should secede from the Church; but as often as it was put in execution, so often the Act of Union was violated again; as often as the subject was agitated by the operation of the Bill, so often these

secessions took place. It is not my intention to detain the House with the minute history of these separations, but in consequence of the operation of the Act, the seceding Ministers formed the Associate Presbytery; and in 1752, the Relief Church was established. Even in our own time we have had similar instances; only two years ago we saw, not perhaps with unmixed approbation, but with strong sentiments of admiration, 470 ministers leaving their parishes and manses, throwing up their stipends, and committing themselves, their wives and children, to the care of Providence in this cause. Their congregations adhered to them firmly, followed them in crowds, and, surrounded by willing and delighted hearers, they preached in other churches, or, if none could be obtained, in tents and barns, or on those hills and moors to which in other times their ancestors fled, and worshipped God in despite of Lauderdale and Dundee. They were supported by their congregations, and the spirit in which every one contributed resembled that in which the widow of old threw her mite into the treasury at Jerusalem. Through whole districts, in whole counties, on the other hand, the ministers of the Establishment were preaching to empty walls. This was the fruit of the Act of 1712; from the Act of 1712, sprang the disputes which led to these distinct and repeated secessions. The repeal of that Act, and a return to the constitution of the Church of Scotland as it existed at the time of the Union, would have sufficed to heal the wound that had been inflicted. This is the true history of dissent in Scotland, and, knowing it, can any English statesman have the front to invoke the Treaty of Union and the Act of Security against those who hold those precise opinions which the Treaty of Union and the Act of Security were intended to protect, and who are Dissenters only because that Treaty and that Act have been violated? I implore the Gentlemen of England to think over the manner in which England has acted towards the Presbyterians of Scotland. First, by a solemn Treaty with the people of Scotland, you bound



yourselves to maintain inviolate the constitution of their Church as it then existed ; and five years afterwards you changed the constitution of that Church in a point which the people of Scotland regarded as essential ; in consequence of which, secession after secession takes place, one great body of worshippers after another leaves the Church till the Establishment is reduced to the Church of the minority ; then begin your scruples about the Act of Security and the Treaty of Union ; then you cannot depart from the letter of your contract ; then if we ask for justice you turn away your faces, and say you must perform your engagements ; then you appeal to Acts of Parliament, not to put the Church in the same situation she held in 1707, but to persecute those who adhere firmly in faith, doctrine, and discipline to the constitution of the Church of Scotland. These are the present conscientious scruples of Her Majesty's Government ; but I must say that even its sugar scruples, though they make it the laughing-stock of Europe and America, sink into insignificance when compared with these. Can they have a doubt of the *animus imponentis* of the Bill of 1712, when they see the names of those who opposed it, the name of Carstairs and of Boston, the author of *The Fourfold State* ? Suppose we could call them up from their graves, and explain to them the revolutions which have since their time taken place in the Church of Scotland, and then ask them, " Which of these was your Church at the time of the Union, for the protection of which the Articles of the Union and the Act of Security were made ?"—have you the slightest doubt of what their answer would be ? They would say, " Our Church was not the Church you protect, but the Church you oppress ; our Church was the Church of Chalmers and Sir David Brewster, not that of Brice and Muir." I am entitled to make a strong appeal to those Members of the House of Commons who are attached to the Church of England. If they think the Bill now proposed will not be in truth a violation of the Treaty of Union, but that it is

as far as it goes, a small reparation for the injustice committed on that Treaty, I ask, how can they vote for tests that exclude men of their own religious persuasion from the Universities of Scotland? We may differ as to the countenance we may give to what we view as error, but he incurs a grave responsibility who persecutes that which he believes to be truth. Yet that will be the position of the zealous member of the Church of England, who gives his vote to-night against the Bill on the Table, which affects Episcopalians as well as Presbyterian seceders. There is another argument which seems stronger still in this regard in favour of the Bill. You may say you are averse to removing these tests, but the question is not whether you will remove these tests, but whether you will impose them? The laws imposing these tests have fallen into disuse. We have heard that disuse made an argument by the right hon. Baronet, the Home Secretary, in favour of the Irish Colleges Bill; he said, "the experiment has been tried—in Edinburgh, these tests have been disused for near a century." I implore the House to remember this; we are called on to establish Colleges in Ireland without tests, and yet we are asked to introduce a system of tests into the University of Edinburgh ten times as stringent as the test the hon. Baronet opposite (Sir T. Acland) proposed to introduce into the Bill for establishing Colleges in Ireland! Is it possible that the House of Commons will bear out the Minister in such an attempt as this? These tests have long been dormant in Edinburgh; I do not exaggerate, when I say there are at least ten professors who have not subscribed the tests. Let the right hon. Baronet the First Lord of the Treasury, give the House some information on this point, for he has been himself Lord Rector of the University of Glasgow. And observe, Episcopalians are precisely the class of men whom these tests were meant to exclude; the tests were made rather against Prelacy than against Papists; at that time it was much more likely that a Papist should have been punished by the penal laws than made a

professor. Every one knows that the right hon. Baronet the Secretary for the Home Department, and the noble Lord the Secretary for the Colonies, have also been Lord Rectors of the University of Glasgow: they know practically, that these tests are obsolete. Being to this extent obsolete, why are they now imposed? Having so long slept, the attempt is made to revive them, precisely because a schism has taken place, and there has been a vigorous demonstration of differences which you might have laid to sleep for ever. They were not enforced while the Church of the people was the Church of Scotland; but you begin to enforce them as soon as the majority of the people become Dissenters. You enforce them as they never were enforced before; and the very moment you do so you make the Universities sectarian bodies. The Presbytery certainly deserves credit for striking at high game; their attack is against Sir David Brewster. I hold in my hand the libel. The word is here used in its technical meaning; in the law language of Scotland, equivalent to "charge" or "declaration" in this case of Sir David Brewster, containing the proceedings taken with the view of ejecting him from his office as Principal of St. Andrew's College, his offence being neither more nor less than this—that he adheres in all points to the doctrine and discipline of the Church of Scotland as it existed at the time of the Union. Here we have an instrument put forward against him conceived in such a spirit that I must say with respect to the Presbytery, that it will have very little right on any future occasion to say anything about the arrogance and intolerance of the Vatican. The libel declares—

"That the Senatus and Faculty of the University of St. Andrew's ought to be required forthwith to redress the evil which you have brought upon the Church, by taking all steps competent to them for removing you from the office of principal of the United College, and that the Senatus be required to report to the Presbytery, *quam primum*, what steps they have adopted to effect this, that you may be removed from your office, and



visited with such other censure or punishment as the laws of the Church enjoin for the glory of God, the safety of the Church, and the prosperity of the University, and to deter others holding the same important office from committing the like offence in all time coming, but that others may hear and fear the danger and detriment of following devisive courses."

And here is another question—

"For the glory of God, the safety of the Church, and the prosperity of the University!"

"The glory of God!" As far as that is concerned, I will here say nothing more than this—it is not the first time the glory of God has been made the pretext for the temerity and the injustice of man. As to the safety of the Church—if, which God forbid! the Church of Scotland is possessed with the spirit of this Presbytery—if, having lost hundreds of able ministers, and hundreds of thousands of devout hearers, instead of endeavouring by meekness and diligence to regain those whom late events have estranged, she is ready to make war upon the seceders—if she is determined to furbish up for the purpose those old laws, the edge of which has long been rusted off, and which were originally meant, not for her defence, but for theirs—then are the days of the Church of Scotland numbered. With respect to the prosperity of the University, is there a corner of Europe where men will not laugh when they hear that the prosperity of the University of St. Andrew's can be promoted by expelling Sir D. Brewster from his professorship? The University of Edinburgh knows better how its prosperity is to be promoted; for I believe the *Senatus Academicus* of Edinburgh is almost unanimous in favour of this Bill. And, in fact, it is perfectly clear that fearful consequences lie before the Universities of Scotland, unless this, or some such measure, is carried speedily; if it is delayed, I believe there will be a new College founded and endowed with that munificence of which, in the Free Church, we have seen so many examples. From

the day such a College arises, there is nothing before the Universities of Scotland but a gradual and, I fear, not a distant destruction. Even now it is notorious, such is the competition and emoluments of other pursuits of life, that it is difficult to procure eminent men to fill the chairs of the Universities. We can now choose from the whole of Scotland, from the whole world, men to fill the office of professors. Throw out this Bill, and you narrow this choice to half of Scotland or less; the diminution of students will lower the emoluments of the chair to less than half their present amount. What will be the consequences? Is it possible not to see that you will have a lower class of professors? With the inferior abilities of the professor, the students will decrease, the decline will be rapid and headlong; and it is clear that all will sink into utter decay, till the lectures are deserted, the halls empty, and a man not fit to be a village dominie will occupy the chair of a Dugald Stewart, an Adam Smith, a Reid, a Black, a Playfair, and a Jameson. How do Her Majesty's Ministers like such a prospect as this? The right hon. Baronet the Secretary for the Home Department has already, by his misfortune or his fault, secured no enviable place in the annals of Scotland; his name is inseparably associated with the disruption of the Scotch Church. Will he ruin the Scotch Universities? If the Government were consistent, even though it acted on an erroneous principle—though we might disapprove, it would be with some mixture of respect; but a Government that is guided by no principle whatever—a Government which on the gravest questions does not know its own mind for twenty-four hours together—a Government that goes from extreme to extreme, backwards and forwards, like “a reed shaken by the wind”—a Government that is against tests in Ireland, and for tests in Scotland—that is against tests at Limerick, and for them at Glasgow—against them in Cork, and for them in Edinburgh—that is against tests at Belfast, and for them at Aberdeen—that opposes tests on Monday, and

advocates them on Wednesday, to oppose them on Thursday again—it is impossible such a Government can command either respect or confidence. Is it strange that the most liberal measures of such a Government should fail to gain the applause of liberal men? Is it strange that it should lose the confidence of one-half the nation, without gaining that of the other half? But I speak not to the Government: I appeal to the House; I appeal to those who, on Monday evening, voted with the Government against the test proposed by the hon. Baronet the Member for North Devon (Sir T. Acland). I know party obligations are strong; but there is a mire so black and so deep that men should refuse to be dragged through it. It is only forty-eight hours since hon. Gentlemen came down to vote against a test requiring the professors in the Irish Colleges to be believers in the Gospel; and now the same hon. Gentlemen are expected to come down and vote that no man shall be permitted to be a professor in a College in Scotland who will not declare his adherence in all parts to the system of Church government in Scotland. This is a matter of gross injustice to Scotland on the part of the Government; but its injustice to its own faithful followers surpasses it. The zealous members of the Church of England, I implore them to consider well before they make it penal to hold those doctrines they believe to be true; lastly, I call on every man, of every party, who loves knowledge and science and literature, who is a friend of peace, and respects the solemn obligations of public faith, to stand by us this day, in this last attempt to avert the destruction that threatens the Universities of Scotland. I move that the Bill be read a second time.



## FROST, WILLIAMS, AND JONES.\*

MARCH 10, 1846.

[On a motion "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into Her Majesty's most gracious consideration the Petitions of the People presented during the present Session of Parliament, in favour of a restoration to their native land of Frost, Williams, and Jones."]

I WOULD not, Sir, say a single word on this question, if my hon. Friend had not brought forward my name in the course of his speech, and if, in doing so, he had not, he must permit me to say, fallen into some mistakes. There exists no such connection as my hon. Friend appears to think between the letters which he introduced to the attention of the House and his Motion. Those letters were written by me at different times and to different persons. One of them was in answer to a private letter from one of my constituents, informing me of some scrupulous feelings which he and others entertained respecting the proposed calling out of the militia; and the other was written in answer to the secretary of a committee, asking me to support the Motion of the hon. Gentleman on this matter. I had no notion that either of these letters would have been published, though they were published at the same time; and perhaps I have some reason to complain of their publication, and especially that they should have been published together. They were published without my consent or authority, and not only that, but by persons taking the same view of this

question which the hon. Gentleman himself takes, by persons who conceived that the publication of these letters might possibly be acceptable at the place which I have the honour to represent, but certainly not with any view to prejudice the persons whose case is now under discussion. With regard to the first of these letters, I mean to pass over all that has been said by the hon. Gentleman respecting his Motion in 1842, for an extension of the elective franchise, as I think it would be very much out of place were I, on this occasion, to go over all the grounds that he went through on the subject. There is not one word in that letter which, on the discussion of the petition which the hon. Gentleman presented, I did not state in the most distinct manner, giving him an opportunity of refuting it at the time; and I will add, there is not a word in that letter which I am not still prepared to abide by. I will not turn away from the question before the House, by deviating into a discussion on the principles of Chartism; but I will ask every hon. Gentleman to read for himself that national petition, and then judge whether I did, or not, take a correct view regarding it. And I beg to say, also, that though the letter which I wrote on the subject of the liberation of Frost, Williams, and Jones, was written without the least expectation that it would be ever published, there is not one word in that letter which I am not prepared to reassert and maintain. But to come to the Motion before the House. In the first place, I have a preliminary objection to the hon. Gentleman's Motion—an objection which would be decisive with me, if the grounds on which he has brought it forward were even much stronger than I think they are. I have an insurmountable objection to interfere—for this House to interfere—with this particular prerogative of the Crown. No doubt this House has a right to advise the Queen with respect to the exercise of any of the prerogatives of the Crown. There is no law which says you may advise the Queen with regard to the exercise of certain prerogatives; but there are other prerogatives of the Crown on which

the House of Commons is not to advise Her Majesty. There is no such law as this. But the discretion of former Houses of Commons has imposed laws upon themselves; and our discretion ought to impose similar laws on ourselves, as to the extent to which this advice should be given. There are certain rules which usage has laid down, and which we ought not lightly to pass over. There are some prerogatives of the Crown with respect to which we ought to offer advice, and there are some prerogatives with respect to which the Ministers of the Crown would be greatly to blame if they did not ask our advice before we offered it. For instance, the right of declaring war is strictly a prerogative of the Crown, and yet I think any Minister of the Crown would be much deserving of blame if he did not bring down a message to this House, asking our advice and co-operation, and ascertaining whether the House of Commons was prepared to grant supplies for carrying on the war, before the prerogative was acted on. But there are other matters connected with the prerogative of the Crown—the command of the army, for example—on which I do not suppose that any person would allege we ought to interfere. That is a branch of the administration with which this House can have nothing to do; and I pass from it to the prerogative of the Crown involved in the question now before us—the prerogative of mercy. It is no superstition, no blind veneration for the prerogatives of Her Majesty, no desire that these prerogatives should be exercised without check, which would make me wish not to interfere in their use; but I say that those by whom Her Majesty is to be advised as to the exercise of that prerogative of mercy, and who are responsible for its results—that those who should be responsible for the peace and well-being of the community—should be able to assent to the extension of the royal prerogative of mercy in every case in which it is exercised. That they should be able to feel that the exercise of this prerogative in any instance is not dangerous or injurious to the peace and order of society, when they are answerable for the



effect which it may produce, and when they are bound to see that that peace and order are preserved. Is there not an object of efficacy kept in sight, in saying that they who have in view all that the necessities of society may require, shall be the persons to tender to Her Majesty the advice under which she uses this prerogative? My hon. Friend seems to look at this prerogative in an erroneous light. He seems to think that the exercise of the prerogative of mercy is a matter of mere amusement to the Sovereign—that it is a thing to be used for the purpose of giving pleasure. That is not a right view of the prerogative of mercy. I do not imagine that the royal prerogative of mercy is a thing to be let off like fireworks in order to celebrate a festivity, and to gratify the public mind. I think that it is a distinct part of justice—that it is a very solemn and awful trust resting on these principles. The Government is bound to preserve the peace of society—to see full protection given to life and property—and it is bound to do so with the smallest infliction of suffering, even to the guilty, compatible with the attainment of that object. To consider the exercise of the prerogative of mercy as a matter of gaiety, is next to the consideration of punishment as pure revenge. The two views go together. The hon. Gentleman, in alluding to the first, reminded me of the king in *Tom Thumb*, who, when good news arrived, ordered the celebration of a universal holiday, but who afterwards, when another messenger came in with disagreeable intelligence, gave orders to the schoolmaster to whip all the boys. I do not think that view of the prerogative of mercy is consonant to the English Constitution. In this country the exercise of the prerogative should not, as in the case of some continental governments, be allowed to depend on casual circumstances, as on the event of a lucky birth in the Royal Family; and yet this appears to me to be but a fair analogy to the notion which the hon. Gentleman has advanced. The view that I take of the subject is this; I conceive that the prerogative of mercy is always likely to be best

used when used in conformity with the advice of those on whom rests the responsibility of watching over the public security. There is no such burden over us. For us there would be nothing easier—according to the established usage of Parliament—than to seek to gratify the feelings of our constituents by making Motions for an extension of the Royal prerogative of mercy in favour of all sorts of persons; and if once the precedent be set, depend upon it you will have it soon followed by hon. Gentlemen anxious to give no offence to their constituents; and we shall have Motions of this sort made in the case of every enormous criminal who may be sentenced to death. Have not petitions been presented in favour of every convict, no matter how great his offence may be? And I say the circumstance is perfectly intelligible. It is the natural reaction of the human mind against that barbarous penal code which was enforced in England up to the close of the last century. It is the natural reaction against the severity of our criminal law until a recent period. We have a sort of feeling which it is impossible to account for in the mind, arising from a repugnance at the severity of the law; and the result is, that there is no case of atrocity so horrible that people—ay, thousands of people—will not be found petitioning for mercy in favour of the perpetrator of it. And, I say, that if this House give due encouragement to this feeling, the people will almost force their representatives to make Motions similar to the present in every case where a capital punishment may be awarded. We had a case a short time ago, in which the greatest exertions were made to procure the release of a most infamous hypocrite who to the last moment pretended innocence. He had poisoned an unfortunate woman, to whom he was bound by the tenderest ties; and who, whatever might have been her errors, towards him maintained the most irreproachable conduct. There was not one circumstance of palliation in his case. He had all the advantages that religion, all the advantages that station, all the advantages that education could have afforded him; yet, not-

withstanding this aggravation of his guilt, we had persons of the most pure and religious feelings petitioning in his favour. Even dignitaries of the Church of England signed such petitions, praying that a woman might not be hanged. She was represented to be so good—so excellent an instructress of youth—and her services would be so valuable in a penal Colony in instructing the children there in the precepts of religion, that her life was earnestly prayed for. She had been, it was said, irreproachable through life—her only offence, forsooth, being the little one of having mixed some arsenic in her father's drink; and petitions were poured in, praying that she should not expiate her crime upon the scaffold. If the prerogative of the Crown were to be used in favour of such criminals, every one of us would soon be concerned in bringing forward cases of the same character. We should find it difficult to refuse the calls that would be made upon us to make Motions similar to the present. We should have the House occupied almost every day with such matters. I therefore think it necessary to make a stand, in the first instance, against such a system. I have no hesitation in saying, with regard to this power—the prerogative of mercy—that I would rather entrust it in the hands of the very worst Ministry that ever held office, than allow it to be exercised under the direction of the very best House of Commons. If you acquiesce in my opinion, there is no difficulty that you cannot easily get through. The plain course is open before you. If you think the law too severe, mitigate it. It belongs to legislative authority to do so. If you think the Ministry do not exercise the prerogative of mercy where they ought, then address the Crown to remove them. But while you have a Ministry from whom you do not think you would be justified in withdrawing your confidence, then you are bound to leave them, as your ancestors did, free to advise the exercise of the Royal prerogative according to the best of their own judgment and discretion. I do not know a case in which, as a Member of the House of Commons, I should be disposed to



interfere with the Ministry in advising the Crown on this matter. If I could contemplate such a case, it would be some case of most momentous necessity—some flagitious and monstrous case of oppression—something like the severity that had been exercised in the reign of King James the Second, against those who had taken up arms against him in the Monmouth rebellion—some case the mere mention of which would be enough to make the blood boil—to make the hair of one's head stand on end. But is the present a case of that description? These three persons raised 4,000 or 5,000 men armed, some with fire-arms, some with scythes, some with pitchforks, many, in fact a large proportion, with deadly weapons of various kinds; and at midnight they marched with them for the purpose of taking a town. They fired on the Queen's troops, they wounded a magistrate in the discharge of his duty. [Mr. DUNCOMBE: He was not wounded by them.] He was wounded by the fire of the traitors who were so armed. [Mr. DUNCOMBE: No, no.] I certainly read the trial formerly, and unless my recollection altogether deceives me, the fact was as I have stated. I believe it is the case, that two wounds were received by Sir Thomas Phillips, who behaved on the occasion with a gallantry that would have done honour to a veteran soldier, much more to a man who had been trained in the civil service. After he was wounded, he avoided mentioning the matter to the private soldiers, but called Lieutenant Gray aside, and stated the fact to him. I believe it appeared on the trial that this attack was intended to lead to a great rising of the Chartists in the middle and northern counties of England. That was part of the evidence adduced. Now when I consider the language used by Chief Justice Tindal—I allude to the passage read by the right hon. Gentleman opposite—I ask, is it too strong for such an occasion? Does it even come up to the necessary conception of the enormity of the offence? When we imagine the effect of a great civil war between classes in England—and that is what these persons projected—that is what

they desired—that is what they intended—it would be worse than any war we ever read of. Remember the wealth—remember the civilization—remember the power of all those classes. They were possessed of advantages, to retain which they would have made every possible effort. A civil war commenced under these circumstances, and with such objects in view, would be a visitation more horrible than can possibly be conceived—more tremendous than this country ever saw. It would be more dreadful than the wars of the cavaliers and the roundheads in the seventeenth century. Other wars may be carried on without producing any great or irreparable destruction. Soldiers may be slaughtered on the field of battle. There may be executions after the battle. But then the evils effected are not of an overwhelming character. There is no irreparable wound offered to the civilization of the country. The land may recover after such battles even as those of Towton or of Bosworth ; but do you imagine that such would be the case after a great war of classes in this country ? All the power of imagination fails to paint the horrors of such a contest. It would produce a shock that would be felt to the end of the civilized world, and that our grandchildren and posterity far into the twentieth century would have cause to lament and deprecate. And yet this is what these men attempted. Are we to take this as a light case ? Is what they meditated a trifle ? Were the means they had recourse to of a slight kind ? Were their objects small and insignificant ? Was their purpose one which we should ordinarily be not likely to reject ? Is all crime against society in itself so very low and trivial ? the murder, and rapine, and spoliation, and every excess of brutality, so unimportant that any motives are sufficient to commit and to sanction them ! Is it nothing that the design comprised all the mischief that can act upon the human mind ? I speak of the ringleaders. God forbid that I should thus describe the conduct of the unhappy multitude who followed them ?—though even for them no individual can have any sympathy—even for those who

fell by the fire of the troops. But, remember, that in order to be merciful to the multitude, we must show, at least, ordinary severity to the ringleaders. Every man who commits a crime means to succeed in the object which he has in view. The principal ringleader in this instance hoped to succeed in raising himself from the station of a linendraper in a country town, to be the protector of a kingdom—to be one of the rulers of the public State—to be put upon the same footing with the potentates of Europe, with boundless means of gratifying his rapacity—if that be his passion—or of gratifying any other prevailing disposition which he may have. He hoped for boundless distinction and honours. These are the sort of motives which actuate the designers of such a crime. This is the sort of distinction which those aim at in meditating a measure of this kind—who seek to establish a new form of government; and yet a Motion is now made to put an end to a punishment for such a crime, which would be scarcely thought too great for a case of misdemeanour. Is it not possible that these men may find imitators, if it shall go forth to the world that persons guilty of high treason—men who have shed blood, who have meditated a great civil war, a civil war of the worst of all kinds, a war of class against class—are to escape with a less amount of punishment than the shop-boy who filches five shillings from the till, or than the woman who steals a piece of ribbon from the counter? What is the use of law unless its punishments bear some sort of proportion to the crime committed? The hon. Gentleman alluded to the case of Canada in the last rebellion. But were none of the Canadian rebels hanged? Is there any resemblance between that and the case the hon. Member seeks to establish? In Canada you hanged the most guilty—which was proper—and you pardoned the others. It is exactly the same case here, except that you hanged nobody. You transported the ringleaders; but how many of the 4,000 or 5,000 that they brought with them, and who were technically guilty of treason, were even



tried? The hon. Gentleman argues as if in this case we had hanged a good many ringleaders, and spared the rest. I have said more than I intended. I observed the highly questionable nature of the argument used by the hon. Gentleman, and I could not allow it to pass unnoticed. I do not mean to say that under no circumstances would the Government be justified in extending the mercy of the Crown to these persons; and in voting against the Motion of the hon. Gentleman, I do not object to such an extension of the Royal mercy on a proper occasion. Were I to do that, I should imitate the conduct of the hon. Member, which I condemn. The only opinion which I express is, that Her Majesty's Ministers are not to be forced by the House to exercise the prerogative with which they are entrusted, contrary to their own judgment. It would be certainly inconvenient, and perhaps unprecedented, for the House to interfere with the prerogative of mercy.

## ROMAN CATHOLIC RELIEF BILL.\*

FEB. 24, 1847.

I AM truly sorry, Sir, that this question should come on when some hon. Members who are eminently qualified to discuss it are necessarily absent ; and I regret also that it should be debated on a day when, should a division take place, only an imperfect representation of the general sense of the House can be obtained. I cannot, however, shrink from shortly and temperately stating the opinion I entertain. And, first, I will state that I conceive that whenever a Bill is brought in that contains a great quantity of matter which the House ought to place on the Statute-book, it is not an objection to the second reading of that Bill, that there may be some portion of it which it cannot be possible to admit upon the Statute-book ; and I shall therefore think my vote sufficiently vindicated if I can show that many of the provisions of the Bill are provisions to which we ought undoubtedly to give the force of law. Now, Sir, the first provision of the first clause of the Bill, the hon. Baronet who has just spoken has not ventured to pronounce to be improper, nor has the hon. Gentleman who spoke last characterized it as an improper provision. The hon. Member for Oxford himself—the learned Recorder for Dublin—does not condemn the provision. In fact, it is one which I may confidently challenge any Gentleman in the House to pronounce to be an improper provision. For what is that provision ? Is it the intention of this House that every Roman Catholic in England shall be subject to

\* Hansard, 3d Series, vol. xc. p. 472-477.

fine and imprisonment for being a Roman Catholic? Now, I say that until you pass this clause of the Bill, which proposes to repeal the 1st of Elizabeth, c. 1, relating to the supremacy, every Roman Catholic in England is liable to fine and imprisonment for being a Roman Catholic. The law to be repealed is to this effect:—

“That any person whatever affirming, holding, setting forth, maintaining, or defending the doctrine, that any foreign prince, prelate, person, State, or potentate whatever, has any authority, pre-eminence, power, or jurisdiction, spiritual or ecclesiastical, within this realm, shall be liable to fine and imprisonment; and that any person whatever, who advisedly does anything for the extolling, setting forth, maintenance, or defence of such jurisdiction, power, pre-eminence, and authority, shall also be liable to fine and imprisonment.”

Now, this enactment, though repealed as to the particular penalties and punishments referred to in it, by the act of last Session, remains in all other respects the same as if the Act of last Session had not been passed; and the holding, maintaining, and enforcing this doctrine still remains, as I understand, a misdemeanour, and therefore punishable by fine and imprisonment. I will ask you, then, does not that enactment include at the present moment every Roman Catholic in England? Does not every Roman Catholic in this country believe and hold that some spiritual jurisdiction resides in the Bishop of Rome? I know that there have been great contests on that matter; I know there were great contests upon it at the Council of Trent; I know that some Jesuits have attributed to the Bishop of Rome a much greater degree of spiritual jurisdiction than the Gallican Church gives him; I know that some writers have placed his spiritual authority far above that of general councils; that some have made him co-ordinate with general councils, and some subordinate to general councils; but take the whole range of Roman Catholic teachers and writers, from Aquinas down to Bossuet, and you will find not one Roman Catholic writer but holds that some spiritual jurisdiction does



reside in the Bishop of Rome. There is no Roman Catholic in this country, then, but must consider himself in communion, of some sort or other, with the Bishop of Rome. Therefore I say, that there is no Roman Catholic in this country who, under the law as it stands, is not liable to fine and imprisonment. Now, I wish to know whether there is any Gentleman in this House who thinks that it is right or just that every Roman Catholic who teaches his sons the doctrines of the Roman Catholic faith, and this amongst others, and that every Roman Catholic priest who teaches to his congregation this among others of the fundamental doctrines of his creed, should be liable to fine and imprisonment for doing so? If it is to be asserted this day, that every Roman Catholic, for holding the doctrines of the Roman Catholic religion, shall be liable to fine and imprisonment, then just suppose that the Government were to hold it to be their duty to order the Attorney-General to proceed against persons to whom any proceedings or conduct contrary to this statute were attributable; and suppose Dr. Wiseman was to preach a sermon on the text, "Thou art Peter," treating it in the sense in which it is understood by the whole Roman Catholic Church, is it seriously meant that the Attorney General should be obliged to prosecute Dr. Wiseman for teaching and enforcing this doctrine? And if Dr. Wiseman was sent to Newgate for preaching that sermon, is there one man in this House who could say that it would be justifiable? I venture to say there is not. Here, then, you have an enactment which this Bill proposes to repeal, and of which, I will venture to say, you cannot put a single hypothetical case in which you can possibly enforce it. But what is the state of our legislation now with reference to this subject generally? There are in this country several religious sects who dissent from the established religion of the country, and what is to be your course with regard to them? You may take that which I think is the true course to take—you may impose on them neither penalties nor disabilities by law; or you

may take an extreme course, and may impose on them both penalties and disabilities by law ; or you may take a third course, which I have heard agitated in this House, and never more earnestly than by the hon. Member for the University of Oxford, and the supporters of which are accustomed to say, "Don't let us punish, don't let us hang—the votaries of these doctrines, but let us keep them from power." But what can be more unreasonable than this ? You admit the Roman Catholic to political power in this House, and you dispense him from the oath of supremacy, instead of which he takes another oath on his entrance among us ; and yet he remains liable to pains and penalties for infringing this statute for enforcing the supremacy of the Crown which you have not repealed. Is it not unfitting that the House should allow an Act of Parliament to remain on the Statute-book, of which the best defence is that it is never executed ? Taking a fair view of the matter of the Bill, as brought forward by the hon. and learned Member for Kinsale, it hardly can be asked that we should not pass this part of the Bill because it goes to repeal an enactment that will never be executed. If so, why not affirm this proposition, that we will never repeal any statute that is never executed ? Sir, I think we should disgrace ourselves, and injure the character of this country, by hesitating about our vote as to the provisions contained on the second page of the Bill ; and this applies also to the greater part of the provisions on the next page. Now, as to the first of these, for the repeal of the law against the bringing in and putting in execution of bulls, writings, or instruments, and other superstitious things from the see of Rome, my hon. Friend the Member for the University of Oxford, was mistaken—he must pardon me for saying so—in what he has said ; for he said, that this part of the hon. and learned Member for Kinsale's Bill was unnecessary, because that law against the importation of bulls, writings, or instruments, or other superstitious things, from the see of Rome, was done away with by the Act of last Session. But what was

really repealed by the Act of last Session? Why, the Act against the importation of bulls, writings, or instruments, or other superstitious things, was repealed, "so far only as the same imposes the penalties or punishments therein mentioned;" but it was also expressly declared that there was nothing in the Act to "authorize, or render it lawful, for any person or persons to import, bring in, or put in execution within this realm, any such bulls, writings, or instruments; and that in all respects, save as to the said penalties or punishments, the law shall continue the same as if this enactment had not been made." The effect of this is to leave the bringing in a bull, a rescript, or an *Agnus Dei* into this kingdom, subject to fine and imprisonment, as for a misdemeanour. Now I must say, that it a little weakens the respect which I must feel for the hon. Member for Birmingham (Mr. Spooner), to hear him say to the House, as he did in one of the debates on the Bill of the hon. and learned Member for Kinsale, of last Session, that he could not reconcile to his conscience the repeal of a law which made those who brought in bulls from Rome liable to be hanged, drawn, and quartered. Is it really meant to continue legislating for the Roman Catholics, so as to prevent their importing a crucifix from Rome, without being liable to pains and penalties? Is it really meant to maintain that law? Sir, it seems to me, that as to these provisions, and until we come down to those parts of the Bill which the hon. and learned Member for Kinsale declares that he is willing to modify, we come to nothing which we ought to dispute about. Then, Sir, supposing that those latter parts of the Bill may be objectionable, was it ever heard of that a Bill generally approved of, was ever thrown out on the second reading for a clause which the Member who brought it in declared that he was willing to modify? But, Sir, having said this, I must also say, that I think it would be most inexpedient and unjustifiable to confer on Roman Catholic ecclesiastics the power of making the processions of their church in public in this country. Even James the Second, when



he was treating with the Roman Catholics in Scotland, thought it necessary for the public peace that no processions should pass through the streets; and I must say, I think to allow it, would be most objectionable, because I believe that it would lead to violations of decency and disturbances of the public peace. I am convinced that no procession could pass through the streets without something occurring that must be offensive to the feelings of every Roman Catholic. I think few processions could take place without leading to disturbance or breach of the peace. Religious processions are not allowed in India, though, if there be a tolerant Government on the face of the earth, I think it is the Government of India; yet they constantly prohibit the processions of the Mahometans, because such processions would be dangerous to the public peace from the risk of collision with the followers of Ali and Omar; and I must say that I have no objection to any law which prevents the celebration in public of Roman Catholic rites, which, when celebrated in public, are likely to be celebrated amidst circumstances of indecency or outrage. Then, with respect to religious societies and orders, I do not think it a just or reasonable thing that an English Roman Catholic subject, for being a member of an order—a Franciscan for instance—should be banished the country, and if he returns should be hanged. It is perfectly clear that such an enactment cannot be enforced. Everybody knows that there are regular clergy of the Church of Rome in this country, but still not a single human being dares, or ever will dare, to put the law against them in execution. But, Sir, while I say that I have no objection to that which many persons think of importance, I do not see why a system of registration should be objectionable; I cannot think that the religious orders of the Church of Rome could object to that. My objection is to enacting a punishment against a man for being a Franciscan; but it is not to punish a man for being a Franciscan, to oblige him to tell the country that he is one. Sir, with respect to the Jesuits, I am far from giving credit

to all the idle scandal that may be wandering over England or France about them ; but I say, that if a person, who is a Jesuit, is found mingling in society, and disguising the fact that he is so, such a person would be a just object of suspicion to the heads of families with whom he associates, that he is there for the purpose of conversion. Therefore, I think that it is desirable that there should be some system of registration, under which it should be known who are, and who are not, members of religious orders in this country. That, I think, is perfectly compatible with religious liberty, and **also** necessary for the security of society.

## GOVERNMENT PLAN OF EDUCATION.\*

APRIL 19, 1847.

I VENTURE, Sir, to offer myself to your notice for this reason—as a Member of that Council whose conduct is called in question, the first duty I performed was to give my hearty assent to the Minutes of the plan of education; I am, therefore, one of those who have been accused throughout the country—who are accused in this House—of aiming, under an artful pretence of educating the people, a blow at the civil and religious liberties of the country. It is natural, therefore, that I should take the earliest opportunity of vindicating myself from these charges. The hon. member for Finsbury must excuse me if, in the remarks I shall offer to the House, I do not attempt to follow very closely the course of his speech. The hon. Member must excuse me if I say I should very imperfectly vindicate the conduct of the Committee of the Privy Council by doing so. For, considering the degree of acuteness and ability possessed by the hon. Gentleman, and the excitement produced throughout the country by the conflict of the principles by which society is divided with respect to this question, I must express my astonishment that to these great principles scarcely one allusion was made in the whole course of the speech of my hon. Friend. He brought in local anecdotes—personal anecdotes—he raised questions upon collateral points; but, after listening attentively from the beginning of his speech to the end, I am utterly unable to discover what his opinion is, even on the great fundamental principle that at this moment divides the country—

\* Hansard, 3d Series, vol. xci. p. 1006–1026.



whether the education of the common people be or be not something to which it is the duty of the State to attend. The hon. Member sat down leaving us utterly ignorant of the opinion he entertains on that important subject. Yet I have no hesitation in saying, that, on the opinion we entertain on that question—on the sense we may have of the duty of the State to educate the people—must altogether depend the view we take of every plan submitted to us for that purpose. When I consider how much excitement has been raised throughout the country on this point, and how large a proportion of the petitions laid on the Table express an opinion I must consider most groundless, I feel it my duty to commence the observations I have to offer to the House by stating in the clearest manner my opinion on that great part of the subject. I hold that it is the right and duty of the State to provide for the education of the common people. I conceive the arguments by which this position may be proved are perfectly simple, perfectly obvious, and the most cogent possible. For what ends was government instituted, is a question on which the most ingenious men have differed; some hold that it is the duty of a government to meddle with the whole system of human life—that it should regulate the operations of trade by prohibitions, expense by sumptuary laws, literature by a censorship, and religion by penal statutes. Others have gone to the opposite extreme, and have cut down the province of a government to what I think is too narrow a limit. But it quite unnecessary on the present occasion to go into any of these controversial points; for on one point we are all agreed: I say that all are agreed that it is the sacred duty of every government to take effectual measures for securing the persons and property of the community; and that the government which neglects that duty is unfit for its situation. This being once admitted, I ask, can it be denied that the education of the common people is the most effectual means of protecting persons and property? On that subject I cannot refer

to higher authority, or use more strong terms, than have been employed by Adam Smith ; and I take his authority the more readily, because he is not very friendly to State interference : and almost on the same page as that I refer to, he declares that the State ought not to meddle with the education of the higher orders ; but he distinctly says that there is a difference, particularly in a highly civilized and commercial community, between the education of the higher classes and the education of the poor. The education of the poor he pronounces to be a matter in which Government is most deeply concerned ; and he compares ignorance, spread through the lower classes, neglected by the State, to a leprosy, or some other fearful disease, and says that where this duty is neglected, the State is in danger of falling into the terrible disorder. He had scarcely written this than the axiom was fearfully illustrated in the riots of 1780. I do not know if from all history I could select a stronger instance of my position, when I say that ignorance makes the persons and property of the community unsafe, and that the Government is bound to take measures to prevent that ignorance. On that occasion, what was the state of things ? Without any shadow of a grievance, at the summons of a madman, 100,000 men rising in insurrection—a week of anarchy—Parliament besieged—your predecessor, Sir, trembling in the Chair—the Lords pulled out of their coaches—the Bishops flying over the tiles—not a sight, I trust, that would be pleasurable even to those who are now so unfavourable to the Church of England—thirty-six fires blazing at once in London—the house of the Chief Justice sacked—the children of the Prime Minister taken out of their beds in their night clothes, and laid on the table of the Horse Guards—and all this the effect of nothing but the gross, brutish ignorance of the population, who had been left brutes in the midst of Christianity, savages in the midst of civilization. Nor is this the only occasion when similar results have followed from the same cause. To this cause are attributa-

ble all the outrages of the Bristol and Nottingham riots, and all the misdeeds of General Rock and Captain Swing ; incendiary fires in some districts, and in others riots against machinery, tending more than anything else to degrade men to the level of the inferior animals. Could it have been supposed that all this could have taken place in a community where even the common labourer to have his mind opened by education, and be taught to find his pleasure in the exercise of his intellect, taught to revere his Maker, taught to regard his fellow-creatures with kindness, and taught likewise to feel respect for legitimate authority, taught how to pursue redress of real wrongs by constitutional methods ? This seems to me an irresistible argument on this subject—that it is the clear duty of a Government to protect the lives and property of the community, and that the gross ignorance of the multitude produces danger to the lives and property of the community ; and, therefore, I am at a loss to conceive how, on the very lowest view of the duties of Government, it can be contended that education is not the province of Government. What is the alternative ? It is granted that Government must protect life and property from spoliation. By some means it must do this. If you take away education as a means, what do you leave ? Why, means which inflict an immense amount of misery, and appeal only to the lowest parts of human nature. Take away education, and what are your means ? Military force, prisons, solitary cells, penal colonies, gibbets—all the other apparatus of penal laws. If, then, there be an end to which Government is bound to attain—if there are two ways only of attaining it—if one of those ways is by elevating the moral and intellectual character of the people, and if the other way is by inflicting pain, who can doubt which way every Government ought to take ? It seems to me that no proposition can be more strange than this—that the State ought to have power to punish and is bound to punish its subjects for not knowing their duty, but at the same time is to take no step to let



them know what their duty is. In my opinion, it would seem less paradoxical to say that no Power can be justified in punishing those whom it neglects to teach. Can we see without shame, and something like remorse, that many of those who, in our own time, have been executed in this country for capital crimes, might now have been in life, and perhaps useful members of society; that more than half of those who are now in our gaols might have been free and at liberty; that more than half of those who are now in our penal colonies might have been honourably and usefully employed on their native soil, if the State had expended in forming them into honest men but a small part of what had been expended in inflicting misery on rogues? Sir, looking over the very first report which was presented to the Committee of the Privy Council for Education, and which came from the district of Newport, being framed just after that frantic insurrection of which I do not need to remind the House, I found that, according to that report, it appeared that there were about 11,000 children in that district at an age when they ought to have been receiving education, but that of those about 8,000 attended no school, and that a great many of those who did might as well have stayed away for anything useful that they were taught; that the apparatus of instruction was most faulty—that the masters were some of them ruined tradesmen, some of them discarded miners, &c.—men whose sole qualification for tuition was that they were utterly disqualified for any other pursuit. Then, can it be doubted that a population which is reared in such a state, listens readily to the bad man who excites it to rise against constituted authority? They become his ready prey, his unresisting victims. Then follow anarchy, confusion, and an armed insurrection. You, in self-defence, and in defence of the constitution committed to your charge, resort to arms to quell their violence. You have nothing else for it. No choice is left to you. Having neglected the best way to make them obedient citizens, you are forced to take the

only mode still left to you, and to fire upon these wretched men. It is under the compulsion, the inexorable compulsion of necessity, that you do so. But what necessity can be more cruel than that of shedding the blood of people who, in all probability, would never have listened to the incentives to crime, if the State had but disciplined their passions and purified their minds by educating them properly? I say, therefore, that the education of the people ought to be the first concern of a State, not only because it is an efficient means for promoting and obtaining that which all allow to be the main end of Government, but because it is the most efficient, the most humane, the most civilized, and in all respects the best means of attaining that end. This is my deliberate conviction; and in this opinion I am fortified by thinking that it is also the opinion of all the great legislators, of all the great statesmen, of all the great political philosophers of all ages and of all nations, even including those whose general opinion is, and has ever been, to restrict the functions of Government. Sir, it is the opinion of all the greatest champions of civil and religious liberty in the old world and in the new; and of none—I hesitate not to say it—more emphatically than of those whose names are held in the highest estimation by the Protestant Nonconformists of England. Assuredly if there be any class of men whom the Protestant Nonconformists of England respect more highly than another—if any whose memory they hold in deeper veneration—it is that class of men, of high spirit and unconquerable principles, who in the days of Archbishop Laud preferred leaving their native country, and living in the savage solitudes of a wilderness, rather than to live in a land of prosperity and plenty, where they could not enjoy the privilege of worshipping their Maker freely according to the dictates of their conscience. Those men, illustrious for ever in history, were the founders of the commonwealth of Massachusetts; but though their love of freedom of conscience was inimitable and indestructible they could see nothing servile or degrad-

ing in the principle that the State should take upon itself the charge of the education of the people. In the year 1642 they passed their first legislative enactment on this subject, in the preamble of which they distinctly pledged themselves to this principle, that education was a matter of the deepest possible importance and the greatest possible interest to all nations and to all communities, and that as such it was, in an eminent degree, deserving of the peculiar attention of the State. I have peculiar satisfaction in referring to the case of America, because those who are the most enthusiastic advocates of the voluntary principle in matters of religion, turn fondly to that land as affording the best illustration that can be anywhere found of the successful operation of that principle. And yet what do we find to be the principle of America and of all the greatest men that she has produced upon the question? "Educate the people," was the first admonition addressed by Penn to the commonwealth he founded—"educate the people" was the last legacy of Washington to the republic of the United States—"educate the people" was the unceasing exhortation of Jefferson. Yes, of Jefferson himself; and I quote his authority with peculiar favour; for of all the eminent public men that the world ever saw, he was the one whose greatest delight it was to pare down the functions of Governments to the lowest possible point, and to leave the freest possible scope for the exercise of individual exertion. Such was the disposition—such, indeed, might be said to be the mission of Jefferson; and yet the latter portion of his life was devoted with ceaseless energy to the effort to procure the blessing of a State education for Virginia. And against the concurrent testimony of all these great authorities, what have you, who take the opposite side, to show? Against this splendid array of authority, you can oppose but one great philosopher, but one great teacher of wisdom, but one man distinguished for his services in the cause of letters and of humanity. Have you, I ask, anything else to oppose to the concurrent testi



mony of the wise, and the good, and the great of every age and of every clime? Nothing, except a clamor got up so recently as in 1846; a clamor in which those who engage condemn not only the wisest and the best of those who have gone before them, but even their former selves. This new theory of government may at least claim the merit of originality. It signifies this, as I read it, if it signifies anything—all men have hitherto misconceived the proper functions of Government, which are simply those of the great hangman of the age; the business of Government is to do nothing for the repression of crime except by harsh and degrading means. From all other means, which operate by exalting the intellectual character—by disciplining the passions—by purifying man's moral nature—Government is to be peremptorily excluded. The only means it may employ are those of physical force—of the lash, the gibbet, and the musket, and of the terror which they evoke. The statesman who wields the destiny of an empire is to look calmly on while the population of cities and towns is hourly increasing. He knows that on the moral and intellectual culture of the bulk of that population the prosperity of the country, nay more, perhaps the very foundations of the State may depend: no matter, he is not to dream of operating on their moral and intellectual nature. He is not to advance their knowledge. He may build barracks as many as he pleases—he may parade bayonets and ordnance to overawe them if he dreads their appeal to violence; if they break out into insurrection, he may send troops and artillery to mow them down for violating duties he never taught them; but of educating them he must not dream. The same holds good of the rural districts. He may see, and shudder as he sees, the rural population growing up with as little Christianity, as little civilization, as little enlightenment as the inhabitants of New Guinea, so that there is at every period a risk of a *jacquerie*—no matter, he is not to interfere. He must wait till the incendiary fires are blazing—till repeated attempts are made

on the machinery of the district—till riots occur such as disgraced this country in 1830 and 1831; and then begins his business, which is simply to hang, imprison, or transport the offenders. He sees seminaries for crime arising on all hands around him—seminaries which are eagerly attended by the youth of the population; but he must not endeavour to allure them from those haunts. He may have a thorough conviction on his own mind that if he were to offer the means of wholesome instruction to those youth, a very great number of them would be drawn away from vice, and induced to dedicate their lives to an honourable purpose; but he dare not make the experiment. He must look calmly on with folded arms, and suffer those to become the cancers of the State who might have been made its power and its strength. He must remain inactive till the harvest of crime is ripe, and then he must set about discharging the duties of his mission, which is, to imprison one man, to hang another, and to send a third to the antipodes. If he venture to raise his voice against this system—if he venture to say that it is the duty of a Government to try and make a people wiser and better, he is an enemy of human liberty, an oppressor of conscience, and ought not to be tolerated. That is the aspect in which the new theory presents itself to my mind. It is difficult to conceive how any man of clear intellect and of honourable intentions—as some, I willingly admit, there are, amongst the opponents of this measure—could have brought themselves to view such a theory with favour. The explanation which, from all I can hear and see and read upon the question, occurs to me, is this—I believe this singular opposition is a curious instance of the operation of a law, the operation of which may be traced in many other questions as well—the law of reaction. We have but just concluded a fierce and prolonged contest, the object of which was to extirpate the principle of Government interference in matters of trade. Men's passions have been excited by that contest just over. Much has been said and much written on the advantages of free competition; but now

that that principle has been accepted as applied to commerce, it is to be regretted that the same intelligent men who have succeeded in driving the Government out of a province which did not properly belong to it, should conspire to drive it out of a province which is clearly its legitimate domain. Their argument, or rather their fallacy, would appear to be, that, if free competition is good in trade, it must be good in the education of the people as well. "If it be good in regulating the supply of corn and sugar," they say, "it must be equally good in regulating the supply of schools to satisfy the educational requirements of the people." But no argument from analogy can be falser or more absurd than that. In fact, there is no rule of analogy whatever in the two cases. There can be no doubt but that free competition with grocers gives us more sugar, and at a cheaper price, than we could hope to obtain if Government were to turn grocer, and take the whole trade into its own hands. The reason is manifest. The grocers have manifestly a stronger interest in doing what is fair towards the public, than the Government, if it were to monopolise the trade, could possibly have. If one grocer's sugar is found to be worse in quality and higher in price than that of another, he is inevitably ruined. He will have to give up business, he will become a bankrupt, and for his wife and children there will be no refuge but the workhouse; but if his sugar is good and cheap, he grows rapidly rich, sets up his carriage, and aspires to a villa at a watering place. That is the reason why competition in the supply of food is a principle of irresistible potency, and will not brook the interference of the Government. But what class of men, I should like to know, have the same strong and personal—strong because personal—interest in supplying the poor with schools, that the grocers have in supplying them with sugar? None whatever. I do not question but that there may be individuals here and there throughout the kingdom anxious to devote their time and their money to the education of the people, and there may be amongst



such persons a benevolent competition to do good ; but do not be imposed on ; let no fallacy, however ingeniously contrived, so deceive your understandings as to induce you to believe that there can be anything like the zealous and animating contention which is prompted in men's breasts by the desire of wealth or the fear of ruin. Competition to do good to others never sways men's minds so potently as the competition to enrich themselves. Would it not be a strange proceeding to argue for the abolition of the poor laws, because, forsooth, there might be here and there found some benevolent person who felt a Christian pleasure in administering to the necessities of the poor ? And yet, if the principle held good in one case, why should it not be applied to the other ? Institutions for the education of the people are on every ground the very description of institutions which the Government, as the guardians of the people's best interests, are bound to interfere with. This point has been powerfully put by Mr. Hume. I speak of Mr. David Hume. The sentiment I am about to allude to did not originate with the hon. Member for Montrose ; but it is so profound that I am sure he will have no hesitation in adopting it. After laying down very emphatically the general principle of non-interference and free competition, Mr. Hume goes on to make the admission that there undoubtedly may be and are some very useful and necessary matters which do not give that degree of advantage to any man that they can be safely left to individuals. Such matters, he says, must be effected by money, or by distinctions, or by both. Now, Sir, if there ever was a case to which that description faithfully and accurately applies, I maintain that it is to the calling of the schoolmaster in England. That his calling is a necessary and an useful one, is clear ; and yet it is equally clear that he does not obtain, and cannot obtain, adequate remuneration without an interference on the part of Government. Here, then, we have the precise case, if we are to adopt the illustration of Hume, in which the Government ought to interfere. Reasoning *à priori*,

the principle of free competition is not sufficient of itself, and cannot supply a good education. Let us look at the facts. What is the existing state in England? There has, for years, been nothing except the principle of non-interference. If, therefore, the principle of free competition were in reality a principle of the same potency in education as we all admit it to be in matters of trade, we ought to see education as prosperous under this system of free competition as trade itself is. If we could by possibility have had the principle of free competition fairly tried in any country, it would be in our own. It has been tried for a long time with perfect liberty in the richest country under the heavens, and where the people are not unfriendly to it. If the principle of free competition could show itself sufficient, it ought to be here; our schools ought to be the models of common schools; the people who have been educated in them ought to show the most perfect intelligence; every school ought to have its excellent little library, and its mechanical apparatus; and, instead of there being such a thing as a grown person being unable to read or to write, such an individual ought to be one at whom the people would stare, and who should be noted in the newspapers; while the schoolmaster ought to be as well acquainted with his important duties as the cutler with knives, or the engineer with machinery; moreover, he ought to be amply remunerated, and the highest respect of the public ought to be extended to him. Now, is this the truth? Look at the charges of the Judges, at the resolutions of the grand juries, and at the reports made to every public department that has anything to do with education. Some facts have been adduced by my noble Friend; many more might be referred to. Take the reports of the inspectors of prisons. In Hertford House of Correction, out of 700 prisoners, about half were unable to read, and only eight could read and write well. In Maidstone gaol, out of 8,000 prisoners, 1,300 were unable to read, and only fifty were able to read and write well. In Coldbath-fields, out of 8,000, it is

not said that one could read and write well. If we turn from the reports of the inspectors of prisons to the registers of marriages, we find that there were nearly 130,000 couples married in the year 1844, and of those more than 40,000 of the bridegrooms and more than 60,000 of the brides could not sign their names, but made their marks. Therefore one-third of the men and one half of the women, who are supposed to be in the prime of life, and who are destined to be the parents of the next generation, cannot sign their names. What does this imply? The most grievous want of education, for many of the remainder, who have been able to sign their names, may have received an education which has had little operation on the mind; such an education as a large part of those receive who are now at our day and Sunday schools. How many of the day-schools are nothing more than a dirty room, with a heap of fuel on one side, and a brood of chickens on the other; where the only instruments for instruction are a dog's-eared spelling-book and a broken slate? And as for the masters—men who ought to deserve and to receive all honour, and deference, and encouragement, as well upon principle as from their high station, being men who have first educated themselves, and are then to educate those who are to come afterwards; how many of these men are now the refuse of other callings—discarded servants, or ruined tradesmen; who cannot do a sum of three; who would not be able to write a common letter; who do not know whether the earth is a cube or a sphere, and cannot tell whether Jerusalem is in Asia or America; whom no gentleman could trust with the key of his cellar, and no tradesman would send of a message? Yet such are the men to whom you trust the mind of the rising generation, on whom the prosperity and the future eminence of this great country will depend. Let me take some evidence on this point which no one will dispute. Probably all the Members of this House will know the important position which the Congregational Union holds among the Nonconformists. On May 16,



1846, there is a report of the committee of the Congregational Union on the subject of general education, which was made to the union, and the mover of that report adopted its principle. That motion was made by Mr. Edward Baines, jun., and what I am about to read, therefore, cannot be considered as representing any mean opinion. I find it said—

“If it were necessary to disclose facts to such an assembly as this, as to the ignorance and debasement of the neglected portions of our population in towns and rural districts, both adult and juvenile, it could easily be done. Private information communicated to the board, personal observation and investigation of various localities, with the published documents of the Registrar General, and the reports of the state of prisons in England and Wales, published by order of the House of Commons, would furnish enough to make us modest in speaking of what has been done for the humbler classes, and make us ashamed that England—the sons of the soil of England—should have been so long neglected, and should present to the enlightened traveller from other shores such a sad spectacle of neglected cultivation, lost mental power, and spiritual degradation.”

That statement perfectly agrees with all the information I have been able to obtain. I do believe that the state of education among the common people of this country ought to make us ashamed, and that we should present a melancholy spectacle to any very enlightened foreigner visiting our shores. Under these circumstances, what is said? We are told that the principle of non-interference and of free competition will be as powerful a stimulus to education as it is to trade. Why, this morning I received a paper containing reasons for opposing the present grant; and it is said, that if we only wait with patience, the principle of free competition will do all that is necessary for education. We have been waiting with patience since the Heptarchy. How much longer are we to wait? Are we to wait till 2,847, or till 3,847? Will you wait till patience is exhausted? Can you say that the experiment which has been tried with so little effect has

been tried under unfavourable circumstances? has it been tried on a small scale, or for a short period? You can say none of these things; and I defy you to show that you ought to apply to education the principle of free competition. That principle is not applicable. As the south of this island has furnished me with one argument, so the north will furnish me with another. We see there a people of ancient lineage, sprung from the same blood, and speaking with some diversities the same language; who separated themselves from the See of Rome at the same great emancipation of the human mind; united under one Sovereign; joining in a series of revolts; and then united in one Legislature and nation striving for the good and the welfare of both. Yet there is one great difference. England for many ages has been the richest and the most prosperous among the civilized countries of the world; whilst all men know that Scotland was almost at the bottom, if not quite at the bottom, of nations that have known civilization. It is known that 150 or 200 years ago the names of Scotland and Scotchmen were words uttered with contempt, and that great statesmen and patriots looked with despair on the state of the lower orders. We have already heard this Session of Fletcher of Saltoun. It was at the end of the 17th century that Fletcher of Saltoun, a brave and able man, who fought and suffered for liberty, was so overwhelmed with the spectacle of misery his country presented, that he actually published a pamphlet, in which he proposed the institution of personal slavery in Scotland as the only way to compel the common people to work. Within two months after the appearance of the pamphlet of Fletcher, the Parliament of Scotland passed in 1696, an Act for the settlement of schools. Has the whole world given us such an instance of improvement as that which took place at the beginning of the 18th century? In a short time, in spite of the inclemency of the air and the sterility of the soil, Scotland became a country which had no reason to envy any part of the world, however richly gifted by nature; and remember that

Scotchmen did this, and that wherever a Scotchman went—and there were few places he did not go to—he carried with him signs of the moral and intellectual cultivation he had received. If he had a shop, he had the best trade in the street; if he enlisted in the Army, he soon became a non-commissioned officer. Not that the Scotchman changed; there was no change in the man, for a hundred years before Scotchmen of the lower classes were spoken of in London as you speak of the Esquimaux; but such was the difference when this system of State education had been in force for only one generation: the language of contempt was at an end, and that of envy succeeded. Then the complaint was, that wherever the Scotchman came he got more than his share; that when he mixed with Englishmen and Irishmen, he rose as regularly to the top as oil rises on water. Now was this a perfect system of State education? Very far from it. It was open to very grave objections as to its impartiality between different religious persuasions. The system was open also to many other objections which it is not necessary to particularize; but under this system of State education, whatever were its defects, Scotland rose and prospered to such a degree that I do not believe a single person, even of those who now most loudly proclaim their abhorrence of State education, would venture to say that Scotland would have become the free civilized country it is if the education of her people had been left to free competition without any interference on the part of the State. Then how does this argument stand? I doubt whether it be possible to find, if there be any meaning in the science of induction as applied to politics, any instance of an experiment tried so fully and so fairly, tried with all the conditions which Lord Bacon has laid down in his *Novum Organon*, and of which the result was so evident. Observe, you take these two countries so closely resembling each other in many particulars—in one of these two countries, by far the richer of the two, and better able to get on with free competition, you have free competition; and



what is the result? The Congregational Union tell you that it is a result, indeed, to make us ashamed, and every enlightened foreigner that comes amongst us sad. In the other country, little favoured by nature, you find a system of State education—not a perfect one, but still an efficient one—and the result is an evident and rapid improvement in the moral and intellectual character of the people, and a consequent improvement in security and in prosperity such as was hardly ever seen before in the world. If this had been the case in surgery or in chymistry, and such experiments and results had been laid before you, would it be possible for you not to see which was the wrong course and which the right? These arguments have most fully convinced me of a truth which I shall not shrink from proclaiming in the face of any clamour that may be raised against it—that it is the duty of the State to educate the common people. And now I will refer to this Amendment; and first, as to the money part of it. Undoubtedly, if the education of the people is a thing with which the State has nothing to do, the more money we spend the more does it become this House to consider the question and expediency of such expenditure; but if my argument is correct, that it is the duty of the State to educate the people, then I ask, are you prepared, on account of a vote of a few thousands, to withhold the performance of that duty? I believe that, in a strictly financial point of view the very utmost expense would be infinitely more than compensated by the difference there would be between an educated and an uneducated people. I believe also that what you would be called upon to lay out would be more than compensated by the reduced expenses of your State prosecutions, prisons, and penal settlements; and I cannot believe—having never grudged anything that was asked to preserve the peace and protect property by means of inflicting pain—that you will now refuse to preserve order by this more beneficent means. As to the objection which has been made with respect to the patronage which it is said the

Government will possess through means of the appointments, ask, has my hon. Friend considered that of all the patronage—! will not call it patronage—of all the expenditure of the Government, there is no part of it under a check like that which this expenditure is to be placed under? There is not only a general check upon it, but there is also a particular check applicable to itself alone. Not only must the Government come before us every year for the grant, in the same manner as with the votes for the Navy and the Ordnance, but when we have voted the gross sum, the application of the details is taken under the control, in every locality, of the friends of education—men who will be altogether independent of the Government. Before they can act, they must have actually contributed towards the expense, for otherwise the Government will contribute nothing; and when hon. Gentlemen talk of the Government corrupting the schoolmasters, and of this measure supplying them with the means of jobbing and influencing elections, recollect, first, that the Government does not appoint the schoolmasters; in the next place, the Government cannot dismiss them; in the third place, they cannot be dismissed by managers altogether independent of the Government; in the fourth place, the schoolmaster will receive nothing whatever, unless those managers, who are altogether independent of the Government, report well of him, and reply that he shall receive it; and that can be no mere formal report, for the condition of it is that, having received 15*l.* of the public money, the managers shall themselves, out of their own funds, pay him 30*l.* a year, and find him a house. Now, where is there a chance of jobbing? Suppose a schoolmaster who belongs to the Dissenting school of Liberal politicians—at Leeds I will say—had been offered (a Conservative Ministry being in power), if he voted for a Conservative candidate, the 15*l.*: if there was any suspicion of that, his Dissenting managers would have nothing to do but withhold the report, and he could not get one farthing of it. Nay, more, if one or two large

subscribers, thinking anything of the sort, should withhold their subscriptions, down goes the salary below 30*l.*, and he could not get anything from the State. So that the whole details and application of this money are under the very strictest check that it is possible to devise—stronger than this House has ever imposed for any part of the estimates. I should like to know how a job can be done, if when a man comes and asks you to make his son an exciseman, you say you will make him an exciseman if he lays down twice the exciseman's salary. Sir, this principle, though in a different form, runs through the whole of this measure. It is perfectly true that no part of the salaries of the public teachers and stipendiary monitors will be paid by the school—at least, what Government grants them is not contingent on what will be paid by the school; but no person can be a pupil-teacher or stipendiary monitor unless the school is kept up in conformity with the preliminary regulations requiring the preliminary outlay, and unless the managers of the school make themselves responsible that during the whole time those pupil-teachers and stipendiary monitors shall go on, the master of the school shall receive the salary. Thus you will have the friends of education spread over the country, of all sorts, of all parties, and acting upon the strongest security ever devised, the payment of their own money. It is impossible not to see the absurdity of the arguments that are brought against this plan of the Government. We are told in the same breath that it will destroy all voluntary exertions, and cost 2,000,000*l.* a year; and in the paper to which I before referred I find that the gentleman who moved that the report be received, put those two things side by side. If that gentleman had taken the trouble to read the Minutes, he would have seen what was the proposition of the Government; and that, whilst on the one hand they leave voluntary exertions untouched, on the other hand if those exertions are checked, this House will not be called upon to pay one single penny. If ever we shall be called upon to pay 2,000,000*l.*, the reason will



be that the voluntary principle will have been stimulated to the most surprising degree; for, before any such amount can be called for, the friends of the voluntary system throughout the country must be so seriously animated as to be prepared to pay no less a sum than 4,000,000*l*. I think I have now answered the objection with regard to the expenditure, and also the objection which has been urged on the subject of patronage. But there is another objection which has been urged by my hon. Friend the Member for Finsbury. He says that this is a most unconstitutional proceeding on the part of the Government. My hon. Friend did not, however, tell us what principle of the constitution it was that the Government had violated. He spoke, indeed, of the proposed Committee of Council as being a self-elected body, a self-appointed body, and an unconstitutional body. But this Committee of the Council is just as much a constitutional body as any other body of functionaries in the State. It is a body appointed by Her Majesty's authority, by and under the advice of her responsible and constitutional advisers. In no case can they be considered as self-elected. No one can understand how the Members of the Council can be self-elected any more than a Secretary of State can be self-elected. But what is the constitutional proceeding which my hon. Friend requires? He says that we ought to have an Act of Parliament; but I must say that this is one of the very acts which do not call for any power to be conferred by Parliament. For why is an Act of Parliament, at any time in such a case, required? It is in order to give to the Crown a power of acting which it did not already possess; but in this case the Crown is perfectly qualified to act without any Parliamentary sanction. It is quite competent for the Crown, as for anybody else, to do all that has been proposed to be done by the Committee of Privy Council; and all that this House is required to do is to give the money to enable the Crown to carry out the plan of the Committee of the Council. Surely, this is acting upon a most constitutional principle. Anybody may

do all that the Council have proposed to do, provided they have the money wherewith to do it. Are the acts, as proposed by the Minutes of Council, illegal? Is there the slightest doubt that anybody might do them if they possessed the money? May I not educate children—appoint stipendiary scholars—maintain pupil-teachers—provide monitors—make provision for schoolmasters, and give to them, after years of service, pensions for the remainder of their days? All these acts are perfectly legal, and require no Act of Parliament to sanction them. To pass an Act of Parliament for such a case would be absurd. What the Crown wants is money. Whose province is it to give it? It is the business of this House. To it belongs the peculiar privilege, as in all analogous cases; and can there be anything more analogous than in the provisions which are made every year for the military schools? It did not require an Act of Parliament to establish the Military Asylum at Chelsea. When I was Secretary at War I proposed the establishment of a girls' school in every regiment; but no Act of Parliament was required; and why should there be, when it was in anybody's power to have done the same thing? Therefore is it, in the present case, in the power of Her Majesty to make these regulations for educating the people; and all that she requires of Parliament is the money to enable Her to carry out Her plans. If the Crown were to ask for money for a purpose which was illegal, then there must be an Act of Parliament to sanction its appropriation. I believe this is the sound constitutional definition of the power both of the Crown and of Parliament. The next point which I am led to consider is, the religious objection which has been made. Now, upon that point I do not conceive that my hon. Friend has dealt with the argument fairly, or has put it upon that footing which seems to me to be just. It appears to me utterly impossible not to admit, that as far as the different religious sects are concerned, the Minutes of 1839 proposed a scheme of perfect fairness. I have read the

Minutes of 1845 and 1846; but I speak chiefly with reference to the Minutes of 1839; and after giving them the maturest consideration, I think every care has been taken to obviate the slightest interference on the part of the Government with the various religious sects; and that, as between the Church of England and the Protestant Dissenting bodies, it is impossible for me to conceive a system of stricter impartiality. Will any Gentleman say, that in that system or plan there is an advantage given to the members of the Church, which is not given to those connected with the Baptists, the Presbyterians, the Wesleyans, and with the Church of Scotland? I can find no trace of the kind. The advantage of the scheme is intended for all in common. The Dissenting ministers and managers of schools will have equal authority with the parochial minister of the Church. The boys of the Dissenting schools will be just as eligible to be pupil-teachers and monitors as those of the Church. As to the schoolmasters, there are exactly the same conditions imposed on the schoolmasters of the Church of England as upon the Dissenting schoolmasters. They will enjoy the same emoluments, and after a series of years of service, will have the same retiring pensions. I wish, instead of using phrases of disparagement against the scheme proposed, hon. Gentlemen would answer this plain question—supposing in any one city there should be a school connected with the Church, another connected with the Wesleyans, and another with the Presbyterians—will any Gentleman distinctly point out to me what share of the public money or what patronage is that which the school connected with the Church will get, and which the other schools will not get? If the school connected with the Church of England, from remissness and mismanagement, fall below the mark, it will not, under these Minutes, get even those advantages which other schools will. A system of more impartiality in principle I am utterly unable to conceive; and I am quite convinced that it will be a system of



perfect impartiality in practice, as respects, at least, our great cities and town districts. With respect to another objection which has been made with regard to the establishment of schools in the poorer districts, I admit there may be some difficulty for some time in supplying education to such districts; and the subject has engaged the most anxious thoughts of the Committee of Education. Doubtless, there will be an advantage for the Church in those places where the Dissenters are few, and the members of the Church many; but in some instances the case will be reversed; and when, for instance, the Presbyterians preponderate, then they will gain the advantage, and the Church will go without. But, whichever way it may be, you cannot tell me that the principle is unsound. If there should be 900 members of the Church in a given district, and only 100 Dissenters, then, indeed, the advantage would be in favour of the Church; but, even in that case, the Dissenters would not be worse off than they are now. By the supposition, the district would support only one school, and that would be of the Church; but that can be no injury to the Dissenters; and I do hope that the Nonconformists will remember that they are not so much Nonconformists as not also to be Englishmen and Christians. I do trust, whatever differences of opinion may exist as to the merits of the Minutes of the Committee of Education, that Baptists, Congregational Unions, Wesleyans, Presbyterians, Churchmen, and men of all creeds, will feel that they have a deep interest in the good education of all men. They live on the same soil, and have one and the same interest that the great body of the people should be educated. Take the case, as I said before, of Lord George Gordon's rabble. Was not, I ask, the Churchman as liable to have his property destroyed as a person who belonged to the Dissenting body? Does not our common interest in the security of order, give us a common interest in the education of the people? And I deny what the hon. Gentleman

the Member for Finsbury says, that you call on men to pay for an education from which they get no advantage. Sir, there is no man contributing to the education of the people who gets no advantage from it. I utterly deny it. If a Dissenter be surrounded by men belonging to the Church, I deny that that Dissenter gains nothing by having those men made good Christians. I say it is just as much a matter of common interest as the defence of our coast; and no particular person is entitled to say, because he belongs to a particular sect, that he has no interest whatever in, and is not bound to contribute to, the common security and defence of the whole nation. Now, Sir, I think I have gone over all the points. No; there is one other point to which the hon. Member alluded. The hon. Gentleman wishes to have a Select Committee to inquire into the effect of this education—though he did not tell us what he meant by the phrase—on the Queen's subjects. In what way education was to affect their civil rights, my hon. Friend did not think it right to inform us. I think it can be hardly necessary for me to say, that to a population—such as a large portion of the population of England is—if the description given by the Congregational Union be correct, civil liberty can scarcely be more than a name; and it can hardly require a Committee of this House to satisfy us that an improved and extended system of education is a likely or a good way to carry on the war against liberty. And this I must say, that he is a very shortsighted friend of the common people who is eager to bestow upon them vast franchises, and yet who makes no effort to give them that education without which such franchises cannot be beneficial either to themselves or to the State. I have done, Sir; and from the clamour which has been aroused around us, I appeal with confidence to the country to which, in no long time, we must render an account of our stewardship. And I appeal with still more confidence to a future age, which, while enjoying all the blessings of

a just and efficient system of State education, will look back with astonishment to the opposition which the introduction of that system encountered, and which will be still more astonished that such resistance was offered in the name of civil and religious freedom.



## AFFAIRS OF PORTUGAL.\*

JUNE 14, 1847.

SIR, I have heard with great pleasure the Amendment proposed by the hon. Member for Finsbury.† I beg to assure my hon. Friend, that in that Amendment is set forth, with great force and precision, the principles which have guided, and which will continue to guide, the conduct of Her Majesty's Government. The Members of the Administration feel that whenever the Government is, by an unfortunate necessity, compelled to depart from the general rule which prescribes abstinence from all interference with the internal concerns of foreign nations, it contracts a grave responsibility; and it is with a full conviction of this on their minds, that Her Majesty's Ministers have determined to interfere in the affairs of Portugal, and will continue to act on the principles which have hitherto guided their conduct. I see with the greatest pleasure that my hon. Friend, and others who, like my hon. Friend, were at first disposed to look with jealousy on the course taken by the Government, have, upon examination, found sufficient cause to change the opinion which they originally entertained. Sir, I am not surprised that such jealousy should at first sight be entertained

\* Hansard, 3d Series, vol. xciii. p. 513-526.

† "Great Britain having become a party to foreign armed interference with the view of terminating the civil war now unhappily existing in Portugal, it is the opinion of this House, that on tranquillity being restored, it will be the duty of the British Government to endeavour, by all just means in its power, to secure to the people of Portugal the full enjoyment of their constitutional rights and privileges."

as to the proceedings of Her Majesty's Government. There can be no doubt that the rule which condemns interference in the internal concerns of a foreign country is a sound general rule. There can be no doubt that, on the Minister who so interferes, the burden of proof is thrown to show the necessity of interference. There can be no doubt that he is bound to make out his case to the satisfaction of the public. In the present case it must be acknowledged that there are peculiar circumstances which make it one of great difficulty and delicacy: there can be no doubt about that. There can be no doubt—and this I shall acknowledge as a distinctive part of our case—that the Throne of Portugal has long been surrounded by evil counsellors. There can be no doubt that the most violent and unconstitutional measures have been adopted by the Court. There can be no doubt that some acts, which I am compelled to designate as cruel, have disgraced the history of the Portuguese Government. There can be no doubt that circumstances have occurred which justified the Portuguese people in receiving with distrust the assurances of the Portuguese Government. And I cannot wonder, therefore, that persons who dislike interference in general, and think interference with the international affairs of other nations a very bad course of policy, should look with peculiar jealousy at such an interference as this, of which at first sight the object might seem to be to rescue a Government which has committed grave faults, from the peril which is the natural consequence of misconduct. All this I admit; yet, admitting it, I am still convinced that her Majesty's Government chose the least of two evils; and under such circumstances a choice of evils was all that was left to it. Considering our relations with Portugal—considering the civil war which is raging—considering the strong inclination to interference felt by foreign Powers, I hold it, Sir, to be clear that no course whatever exempt from inconvenience and risk was open to the British Government. Similar cases frequently occur in public and in private life. It comes

within the daily experience of all men, that persons are frequently without any fault of their own, placed in situations in which they must act, and in which every course they can take has its risks and its inconveniences. Now, it is not a fair way of reasoning to exaggerate the risks and the inconveniences of the course actually adopted. No argument against the course taken under the circumstances is sound, unless he who pronounces the condemnation gives us also his own line of conduct, and shows us good reasons for believing that that line of conduct would be attended with less objectionable consequences than that which has been followed. And remember, too, that in such cases those who have to defend what has been done, always speak at a disadvantage. You feel the inconveniences of the course which has been taken: of the course not taken you do not feel the inconveniences. They are mere matter of discussion and speculation. Why, you might deny *in toto* that there was any risk of their taking place at all. But of the course taken, you feel and know the evils. Under these circumstances, then, it is that I think Government is fairly entitled to call on every Gentleman who is in favour of the vote of censure under discussion to lay before the House not only a statement of the inconveniences admitted—and admitted to have arisen as inseparable from the interference which has taken place—but also to state to the House some plan of policy which would have avoided these inconveniences without leading to greater. No such plan of policy has yet been submitted to the house; and I doubt whether it be in the power of human wisdom to devise such a plan. I think that I see in every possible course, other than that which has been followed, inconveniences greater than those which have resulted from our policy. Sir, my argument rests upon the peculiar relations subsisting between England and Portugal. With many other Powers no such question as that which we are now discussing could have arisen. Suppose, for example, that a similar state of things to that of Portugal had occurred in the kingdom of the



Two Sicilies, or the Grand Duchy of Tuscany—then, indeed, it might have been the duty of the Government to have sent a frigate into the Bay of Naples, in order to protect, and, if necessary, to carry away British subjects and British property; but there the matter would have ended. No interference similar to that which has in this instance taken place, would have been the subject of any discussion. But our relation with Portugal is a most peculiar one—one without any parallel in European politics—without any parallel, I may say, in the history of the world. Sir, I do not remember anything which struck me more than, when looking over that collection of treaties with Portugal which we called for—a collection extending from the days of the Black Prince downwards—from the year 1373, and produced, not for the gratification of any antiquarian curiosity, but treaties still in force, and in active operation—when looking over these early treaties of the fourteenth century, one thing, I say, most particularly struck me. It seemed as if those who framed these ancient documents had some presentiment of the length of their existence, and that they would completely outlive all the arts of war then in use; for to the stipulation for furnishing troops, archers, slingers, and galleys, to defend Portugal, contained in the first treaty with that country, a saving clause adds the condition, provided that these should be the means of defence then employed. This may be fortuitous; but has it not a singular aspect, in the middle of a treaty of the fourteenth century, to see such a clause as that? And, in truth, there is a great analogy between the manner in which these treaties were observed in the fourteenth century, and the manner in which they are observed in the nineteenth century—an analogy one of the most remarkable on record. Perhaps the noble Lord opposite, whose studies have been not a little directed towards those interesting and curious parts of history which belong to the times of chivalry, will remember Froissart's glowing description of how—in the year 1381 I think it was—the Por

tuguese ambassadors appeared before the Court of London—of the splendour of the pageant—of the magnificent reception which greeted them—of the presence of the representatives of the two great families in the realm (John of Gaunt, and Edmund Langley Duke of York), standing one on either side of the King—and how they addressed the Portuguese ambassadors—and how they told them to tell their fair Cousin of Portugal that what she wanted she should have; that Portugal was the friend of the friends of England, and the foe of the foes of England. And then, says old Froissart, the Parliament resolved that 500 archers and men-at-arms should be sent off to Portugal—ay, an expedition then, in the fourteenth century, just as the expedition of 1826, though armed in a different manner, sailed to protect the same country from danger from the same quarter. Such a close alliance between nations for 500 years, is almost without precedent; and let me recall, in connexion with it, a striking observation of Mr. Canning, that from the very first our treaties with Portugal had the character, not of mere formal diplomatic conventions, but that there was a force of fervent expression about them which bound the two countries in a far more kindly connexion. Why, in the very treaty I have mentioned, we bound ourselves to defend Portugal, by sea and by land, “against all who may live and die.” Again, in 1661, the King of England “did profess and declare to take the interests of Portugal, and all its dominions, to heart, defending the same with his utmost power by sea and land, even England itself.” And once more, in 1703, we confirmed our former engagements, and contracted new ones to the same effect, in equally strong terms. Sir, there may be those who think that such relations as these were inexpedient for this country—a country so great and so powerful—to enter into. I hold, I confess, a different opinion. Any services we may have rendered to Portugal have been amply repaid. In all our contests, Portugal has ever been our friend. In the Seven Years’ war, when

France and Spain were leagued against us—when they attempted to incite Portugal on the same principle to join with them and help to free herself and Europe from the tyrant of the seas—then Portugal boldly refused their proffers. And yet 't was a critical time for the Portuguese. The earthquake was recent, their capital in ruins, the king with scarcely a place to lay his head, a foreign army hovering on the frontier; still Portugal kept her faith, and acted up to the spirit of her treaties with England. Again, when it would have been easy for the House of Braganza to have made terms with our enemies, they preferred exile across the Atlantic to such a violation of their engagements. And then the soil of Portugal became the spot from which we moved the world. It was in Portugal that you fought your own battles, and successfully defended your own liberties. For nothing was more true than that passage in the despatches of our great military Commander—despatches which may outlive even the popular memory of his victories—nothing he ever wrote was more true than that sentence in which he expresses his belief that the question was between the defence of Portugal and the invasion of England. On that occasion Portugal suffered for us. By her devastation we were enabled to look in security upon our own cultivated fields; and as for those lines of Torres Vedras, they protected against spoliation and massacre a larger capital and a greater population than that of Lisbon, or that of Portugal. When that struggle was ended, you renewed, at the time of the general settlement of Europe, the treaties and conventions under which you had already acted. In consequence of those engagements, in 1826, you promptly sent to Portugal assistance against foreign invasion; and in 1834, when pretenders to the Crowns of Spain and Portugal—having to a great extent a common interest—made their appearance in the Peninsula, then, Sir, England took upon herself the defence of Portugal, and entered into the Quadruple Alliance expressly on the ground of our ancient, solemn, and special rela-



tions with that country. Thus, in this singular manner, are we bound up with a country which has now been for many months the theatre of a most disastrous struggle. If I be asked what the origin of that war was, then, Sir, I do not hesitate to say that I believe it was caused by the acts of the Portuguese Government. By violent and unconstitutional decrees, they banded against them large bodies of armed men professing to contend for freedom; and while the principles held by the Government, on the one hand, tended undoubtedly to despotism; on the other hand, you have opinions prevailing which as surely were incentives to regicide. Let it be remarked, too, that it was in the power of neither party effectually to control the body of its adherents. It was in the power of neither the Queen nor the Junta to meet on fair terms, whatever their inclination may have been. The Queen was held in a species of pupillage by her Ministers, who, whenever she was disposed to moderate councils, threatened to resign their civil offices and to lay down their military commands. Around the Junta had sprung up a crowd of adventurers eager for employment, and therefore ready to discountenance every whisper of peace. The country was uncultivated, trade was at a stand, British interests were suffering. But during several months the English Government interfered merely by preaching conciliation; by imploring the Court to act leniently and constitutionally; and by impressing on the Junta counsels of moderation. It is admitted even by those who blame the conduct of the Government—it is admitted even by the hon. Member for Montrose—that the principle of non-interference had never been more ably put forward than by the papers of my noble Friend (Lord Palmerston) during the first months of the conflict. But they say, and he says, that then there came a change—that then came interference. There must be some mysterious cause for this—some strong influence which I cannot describe, cries one—some backstairs intrigue, which I need not particularize, says another. Now, for my own part, I

should have been inclined to say that, on the simplest inspection of these papers, the reason for the change will be seen on their face, and cannot be mistaken. It is this—while the question was a purely internal question, the English Government interfered *only* by counsel, exhortation, and friendly offices. But it afterwards became an international question, and then Government could refrain from interference no longer. An attentive examination of the despatches will show that England ceased to follow the strict course of non-interference when the question ceased to be an internal question of Portuguese politics. And I may ask the hon. Member for Montrose, however much he may be attached to the general principles of non-interference, whether he will not admit that sometimes the internal policy of a country becomes its international policy—and that in such a case, the general principle of non-interference ought to be, and is frequently suspended? Two remarkable instances of this kind have been alluded to in this debate. We interfered under Queen Elizabeth in France. “What,” it may be said, “did it signify to us whether the Government of France or the League got the better?” But the success of the League would have increased the power and the influence of the House of Austria, already too formidable in Europe; while, on the other hand, the success of Henry IV. tended to preserve the balance of power against Philip of Spain, and add to the security of England. Thus was the principle of interference justifiable. So, again, as to the States General, when they interfered in our internal policy in 1688. They saw safety in the predominance of the Orange party. If William III. were to be on the Throne of England, the balance of power would be preserved as against France; but were James II. on the throne, he would have made England the vassal of France. That circumstance took the case of England out of the general rule; and such was the reason always advanced by the States General to justify their interference. Now if it be admitted that the rule of non-interference ceases to apply when the

question becomes international, then certainly the rule does not apply to the present case. Is it not clear, that at the end of March or the beginning of April, the question of interference was begun to be debated by other nations? I hold it, Sir, to be quite clear, that Spain did contemplate and fully resolved upon interference. One hon. Gentleman who spoke, is unable to find out the slightest trace of the probability of Spanish interference. Why, Sir, there is the note of Mr. Bulwer of the 5th of April, 1847, and what does it say?—

“Neither,” it proceeds, “ought I to conceal from you, that, although the Spanish Government will be delighted that in this negotiation the representatives of the Allied Courts, accredited at that of Her Most Faithful Majesty, and who signed the treaty of the Quadruple Alliance, should take part: yet this will not hinder, should it by any event not be possible for the Four Powers to agree and act upon a common and thorough understanding, should a case of urgent necessity occur, that the indispensable remedy would be applied, particularly endeavouring to do so in accordance with Great Britain, and to carry out the intervention in the manner and on the basis which might be determined on between the two Governments. I must, however, state to you, that in the event of a sudden crisis, during which the Throne of Donna Maria de Gloria might be overthrown, the Spanish Government could not possibly consent to such a catastrophe, and would act alone, and of its own accord.”

Again, there is the note of Mr. Bulwer, commenting on the language of M. Pacheco. What do we find in it? Our Ambassador says,

“I however think that M. Pacheco's real wishes are to arrive at some fair transaction in favour of the Queen, in concert with ourselves: that he has no wish to interfere at all with an armed force, and is not likely to do so without our concurrence. But, at the same time, I think that the means he will adopt for arriving at a transaction, may be too calculated to elate the hopes of one of the parties, and thereby prevent its making reasonable concessions; and that, under certain circumstances, he may be disposed, and even compelled from the position in which he will find himself placed, to enter into Portugal without concert with us, and even contrary to our wishes and opinions.”



I say, therefore, Sir, that it is perfectly clear that an armed interference was contemplated by the Spanish Government; and I think it must also be added, that the French Government conceived that in taking that course, the Spanish Government would be acting warrantably. Thus, after having laboured, while the question was an internal one, to settle it by good offices, advice, and mediation, you find that it had ceased to be an internal question. Circumstances change—events thicken—Spain collects her troops upon the frontier, and declares that in certain cases they shall enter Portugal. France again declares that, in her opinion, Spain has taken a just view of her rights. These, then, are the circumstances under which you have to consider what is the best course to adopt. But here let me ask, in what sense I am to understand non-interference? Do you mean merely to rest passive, without intimating to other Powers that they must not interfere—or are you to say, we shall not interfere ourselves, but we will interfere with Spain if Spain interferes with Portugal? Well, now compare the inconveniences of either of these courses with the inconveniences of that actually adopted. This is the whole question. Now, as to saying absolutely we shall not interfere—Spain and France may do so if they please—they may occupy Portugal, they may act just as it suits them, but we shall leave the affair absolutely alone: to have said that, and adopted that course of policy, would, I conceive, have been disgraceful to this country. Considering our ancient, our historic, our intimate relations with Portugal, such a course would have been nothing less than a complete desertion of the position England has always occupied; and had we adopted it, and allowed Spanish interference to take its course, then that interference would unquestionably have placed the liberties of Portugal and the lives of the Junta in a much more hazardous position than that in which they now stand. I mean to say nothing disrespectful—quite the reverse—of the Spanish people or Government; but certainly the observance of

leniency to the vanquished in civil strife, has not of late years been carried by them so far as a humane man might wish. And I believe that there is not a single member of the Junta or attached to the cause of the Junta in Portugal, who, if you asked him "whether—supposing an armed interference did take place—would you prefer as the interfering Power, Spain or England?" would not answer at once "England." If it be so, Sir, then I conceive that the course which we have followed is clearly a better course than that of leaving France and Spain to interfere, according to their own good pleasure. But there remains still another line of alternative policy. We might have said, we shall not interfere ourselves, but we will interfere with whoever else interferes. But, Sir, would any member of this House counsel us to risk a threat without being prepared to risk a war? Would you tell Spain, "You shall not do what you wish to do, and what France thinks you are justified in doing?" Why then there would be war. ["Hear!"] I am not deaf to that cheer—I can well conceive that there are those to whom such a course would have its charms. See what thirty-two years of peace have done for civilization, for humanity, and good government; and when you compare the state of Europe during those thirty-two years of peace with what it was during the twenty-three years of war, that man, I say, incurs a grave responsibility who would set the first spark to the mass of combustible matter which, once exploded, could end in nothing but general European conflagration; and whether such a war would cease in 1850, 1860, or 1870, it is beyond the power of the wisest man living to prognosticate. I say, that unless you can show that what has been done is something so pernicious, that to avoid it we ought to have incurred the risk of European war, you must admit that we have done right. I think the hon. Member for Finsbury talked somewhat too lightly of war; but I quite agree with him that we should not give up to the Queen of Portugal the head of one of the Junta, to avoid

war with all the powers of Europe. I agree with the view taken by Mr. Fox, who, though the great advocate for peace, when some one hinted that Bonaparte might require the expulsion of the Bourbons from England, said—

“I never was a friend to that family—they are a bad family; but for the worst Bourbon that ever sprung from their stock I’d go to war rather than that England should abjure the rights of hospitality.”

I recommend no disgraceful, no injurious, no pusillanimous course; but I say that if it was possible to effect any settlement which would be just, which would be humane, which would be favourable to the liberties of Portugal, and if by so doing we could avoid these two evils—the infamy and degradation of giving up Portugal to the absolute disposal of Spain, and the risk of a European war—such a settlement it was our duty to make. The strongest invectives have been pronounced against the Queen of Portugal and the Cabral party; but every invective against the Queen is the best panegyric on her conduct. Loud complaints have been made of the cruel and severe punishments which have been inflicted on those who have taken up arms against the queen. But what is the first article of the conditions on which we have insisted? It establishes an absolute and complete amnesty; and if you draw an inference unfavourable to the humanity of the Portuguese Government from their having so long refused to agree to those terms, you should also have drawn the inference that, if they did agree to them, it was impossible they could refuse strictly to observe and execute those terms. Why was it worth their while to battle so long upon the subject, if they were about to make a promise which they knew they could break? The Portuguese Government said, “We will inflict no capital punishments; but let us have some persons sent out to the colonies.” “No,” we replied, “we cannot consent to that.” “Then,” said the Portuguese Government, “they shall not be consigned to a cruel and miserable



exile; they shall not be sent to Africa; they shall be sent to Paris; they shall remain there till peace and order are restored in this country, and their fortunes shall be remitted to them." What was the answer of England? "Not one mile from the territory of Portugal." The Portuguese Government still asked, "Let them be exiled for 18 months." "No; not one." "Only for 16." "No; not one." "Only for 10." "No; not one;" and to these terms we adhered to the last. Those who talk of us as having shown a pusillanimous desire to avoid a collision with France or Spain, should remember that in order to avoid any such collision, we would not have consented to the banishment for ten months to Paris of one member of the Junta. As far as respects the amnesty, then, I think, our case is complete. The second article provides that all the unconstitutional acts of the Government shall be rescinded. The Junta complained, and most justly, that the assembling of the Cortes had been improperly delayed; but the second article of the conditions entered into by the Queen of Portugal provides, that the Cortes shall be called together at the earliest possible period. The fourth article of the conditions provides that no member of the Cabral party shall form part of the Government. [AN HON. MEMBER: How do you guarantee that?] I cannot conceive that you can very easily have a better guarantee than this, that instead of being an agreement between the Queen of Portugal and her subjects, this is an agreement between the Queen of Portugal, and England, Spain, and France, who possess the most undoubted power to compel the Queen of Portugal to observe the conditions to which she has assented. This, in my opinion, is a full justification of the course which has been taken by her Majesty's Government. I think it right to call the attention of the House to one circumstance which has been alluded to, in order to put an end to all misrepresentation on the subject—I refer to the manner in which the orders of the British Government were carried into effect. I do not conceive, even if the officers

commanding on the station had neglected to send a proper notice to the authorities at Oporto of the course they intended to pursue, that that circumstance alone would justify any one in adopting the views of the hon. Member for Montrose; but, at the same time, it is the duty of a Government, when the conduct of those who have served their country well and faithfully has been impugned, not to pass by the first opportunity of vindicating them. I say, that fuller and fairer notice never was given than was given in this case; and if any person who has the means of knowing the circumstances denies this statement, I will only say that I think he cannot deny it conscientiously. The following is a letter written by Captain Robb, of the *Gladiator*, to the Secretary of the Junta for Foreign Affairs:—

“His Excellency Senor Jose Passos, Secretary of Foreign Affairs, Provisional Government, Oporto, Her Majesty’s ship *Gladiator*, May 23, 1847. —Sir: Having transmitted to your Excellency, through Her Britannic Majesty’s Consul at this place, the wishes of Her Britannic Majesty’s Minister at Lisbon, relative to the cessation of hostilities, until the delivery of the letter with which I am charged to his Excellency the Conde das Antas, and having received no reply to that letter, I have the honour to acquaint you that I am commanded by Vice-Admiral Sir William Parker, Bart., G.C.B., that if any demonstration is made on the part of the naval force of the Junta for quitting the Douro, to warn the Junta of the probability of their being stopped by a British force wherever it may be met with.—I have the honour to be, &c.,

(Signed)

“JOHN ROBB, Captain.”

Senor Jose de Passos, in his answer, says—

“It is, therefore, that the undersigned saw with great regret that you declare, in conformity with the orders of his Excellency Admiral William Parker, that in case of the ships of the national squadron leaving the port, they will probably be detained by a British naval force.”

Under these circumstances, I defy any person to say that as full and fair warning as could be given was not afforded to the Junta. I have now really nothing further to say than to thank the House

for their indulgence. I may, however, shortly sum up the case thus :—I say it was utterly impossible for us, related to and connected with Portugal as we are, to observe the ordinary rule of non-interference; for, the moment that France and Spain had shown an inclination to interfere, if we had not interfered, and if we had not at the same time suffered them to interfere, we should have lowered England to the very bottom of the scale of nations. If we had not interfered, but had declared that we would go to war with France or Spain if they interfered, we should, in my opinion, have taken upon ourselves a most terrible responsibility, and we might not impossibly have plunged Europe into a general war. Nothing remained but to interfere boldly, justly, humanely, and with a desire for peace. I defy any one to read the articles to which the Queen of Portugal has assented, and to say that this has not been the character of our interference. There were three objects, almost incompatible with each other, which we had if possible to maintain, and to maintain in such a way that by maintaining one we should not run the least hazard of not maintaining the others—the dignity of England, the liberty of Portugal, and the peace of Europe. We saw only one way of maintaining these objects. If our policy was right, I think there will be little dispute about the manner in which it has been carried into execution. It will scarcely be doubted that the means were adapted to the end, and that the instruments were sufficiently well chosen. I can only repeat to my hon. Friend (Mr. T. Duncombe) that we feel with him that the interference we have been compelled to adopt, does lay upon us the duty so emphatically set forth in the Amendment he has moved; and I will only add that our consciences acquit us—and I hope the vote of this House will acquit us—of having, in this most difficult and embarrassing conjuncture, failed in any part of our duty towards England, towards Portugal, or towards Europe.



## SPEECH ON THE HUSTINGS AT EDINBURGH.\*

JULY 29, 1847.

MR. MACAULAY came forward to address the meeting, and was received with prolonged cheers and hisses. He said: I have lately to a large number of the electors of Edinburgh so fully explained my recent conduct, and the principles on which I offer myself here as a candidate, that I should not feel myself justified in long detaining you upon the present occasion. I will therefore attempt to confine the observations which I have to make to a topic to which great prominence has been given, both in the addresses which have been put forth by the very respectable gentlemen who stand on the other side of the sheriff, and also in the speeches of those who have this day recommended them to your choice. I imagine from all that I have been able to learn, that on most political questions Mr. Blackburn, of whom I desire to speak with all personal respect, would differ, if anything, more widely from my other respectable opponent than from me. (Laughter.) But on one point I find a perfect agreement between them. There is one recommendation they have in common, and there is one objection in common to myself and my hon. friend (Mr. Craig). The principle on which they both ask your suffrages is this, that it is not desirable that this great community should be represented in Parliament by a Minister of the Crown. (A voice, "It is not.") Permit me, without dwelling on any personal pretensions of my own, avoiding as far as is possible all egotism, to request you as an assemblage of electors of a city universally allowed to be one of the most enlightened of the

\* London Times, July 31, 1847.

British Empire—(A voice, “Don’t spread the butter so thick”)—calmly to inquire whether that doctrine can be maintained. There have been times in which undoubtedly it was true the service of the Crown was incompatible with the service of the people. There have been times in which—I speak of those times while the constitution was still taking its form, of those times which preceded the settlement made at the Revolution, when undoubtedly it was not for the interests of any great community to confide the care of its welfare in Parliament to any person in the service of the Crown. In those times the Sovereign and the House of Commons were enemies. Their whole existence was an existence of constant war. The Crown supported favourites against the voice of the Commons. The Commons withheld from the Crown the supplies necessary for carrying on the administration of government. The great object of the House of Commons was to obtain some concessions from the Crown in respect to its prerogative in return for doling out the supplies. The object of the Crown was to cheat the Commons out of their money, and then to hurry Parliament to an end with the view of governing the country for several years without a Parliament at all. The effects of those differences between the Executive and the House of Commons were weakness in the Commons, internal disorder, and the humiliation of the nation in the eyes of foreign powers. At length happier times arrived, and the different powers which had contended were brought into harmony. The Crown was placed under such restrictions that it became impossible for any Ministry, not supported by the House of Commons, to hold office for more than a few weeks. During a long course of time no person can be a Minister of the Crown unless the people, speaking by their representatives, approve of the general conduct of the Administration. From the time that that became the case; from the time that the Sovereign began to proceed on the principle of constantly administering the Government in conformity with the views of the representatives of the people,

and of entrusting power to those only in whom the representatives of the people placed confidence—(interruption, and cries of “Question, question”); am I not speaking to the question? (Cheers.) What charge has been made against me this day? (Hear, hear.) Are the qualities which should recommend men to the favour of the Executive Government distinct from those which should recommend them to his constituents? When I hear it made a reproach to this great city that it has been represented by Lord Jeffery (cheers), Lord Dunfermline (applause), and Lord Campbell (cheers and laughter); when I hear it made a reproach to you, and see it held up as a disgrace from which you should free yourselves, that the men on whom your choice fell were the men whom the Sovereign, by the approbation of the representative body of the people, repeatedly called to situations of the highest trust, then I say that those who so instruct you teach you most destructive doctrine. (Cheers and groans.) If your representative be an honest man (a voice, “Ay, but he’s not that”) his power to serve you as a Minister of the Crown is greater than his power as a private member of Parliament; and I believe that you will admit, that if he is not an honest man, in office or out of office he is certain to betray you. Don’t imagine it is only official men who are under corrupt influence. (Cheers.) Rely on it that if you send mercenary men to Parliament—and when I say this I beg to say that I mean to convey no imputation on either of my opponents (hisses and confusion)—but if you send mercenary men to Parliament, in or out of office, for some price and to some customer they will manage to sell themselves and to sell you. (Applause.) I firmly believe that the hon. gentlemen who are on the other side of the sheriff are as incapable of so betraying your trust as I am; but I am certain not more so. But this I say, that if it be your pleasure to send, for example, Mr. Blackburn instead of myself to the House of Commons—if he should, as in that case I heartily hope he will, prove himself deserving in every way of your confidence; if he should,



as he may—for he is as yet an untried man in public life—show considerable talent for debate, considerable talent for business; if he should obtain the ear of Parliament—if he should obtain the confidence of the whole of Parliament, and prove that he is possessed of ability to transact and clearness to explain business—if in consequence of a revolution in political affairs those with whom he is nearly connected in opinion should come into power, and if they should say to him, “We think your ability such as may be of use to the state as Secretary at War, or President of the Board of Trade” (cries of “Oh, oh,” and groans); if, I say, all this should happen, then I should consider it as a most monstrous injustice to say that, because he had thus signally vindicated your choice, and because a Ministry, who must be supported by the great body of the representatives of the empire, conceived him to be a man who might be useful to his country in high places, you should therefore withdraw the trust which you have reposed in him. (Cheers and uproar.) I am now, perhaps, addressing you for the last time (cries of “No, no.” “Yes, yes,” “We hope so”); some indulgence is shown to the last speeches even of convicted criminals. (Laughter.) I have, therefore, only to say, that to your decision, whatever it may be, I shall submit respectfully and without repining, that I shall retain a grateful sense of your past kindness, and that I only wish your decision may be one of which, when the irritation of the moment is past, and when you calmly review the whole history of the relation which has existed between us, you may conscientiously approve. (Cheers and hisses.)

[At the close of the poll the next day, the election unexpectedly terminated in the defeat of Mr. Macaulay by Mr. Charles Cowan. The following were the closing remarks of Mr. Macaulay on the occasion:—]\*

Mr. Macaulay, on presenting himself, was received with the most enthusiastic plaudits. He said—I could have wished that the

excitement about the contest had terminated with the contest itself. I once did believe, and from what I have seen either of English or Scotch communities I was entitled to believe, that there existed none where any person would have made his appearance for the mere purpose of hissing the defeated candidate. ("Hear, hear," and cries of "He was a supporter of Mr. Cowan, who had no right to be here.") Gentlemen, I stand before you defeated, but neither degraded nor dispirited. (Cheers.) Our political connexion has terminated for ever. (Cries of "No, no," and great sensation.) If ever I return, and I hope often to return to your city, it will be solely for the purpose of seeing the most beautiful of British cities, and of meeting in private intercourse some of those valued friends whose regard, I hope, will survive our political separation. (Cheers.) To those who have constantly and kindly supported me I return my hearty thanks. If there was anything to be forgotten or forgiven, I have forgotten and forgiven it; and I will carry with me into private life a lasting and grateful recollection of your generous confidence, disturbed at last by causes to which I will not now refer. (Cheers.) But it is my belief that hereafter, when more calmly you review the history of our connexion, you will admit that I at least meant and endeavoured well. (Great applause.)

## INAUGURATION OF MR. MACAULAY AS LORD RECTOR OF GLASGOW UNIVERSITY.\*

MARCH 21, 1849.

ON Wednesday the Right Hon. T. B. Macaulay was installed as Lord Rector of Glasgow University in the Common-hall of the college. The Principal, Professors, and several strangers, including Lord Belhaven, the Lord Advocate of Scotland, &c., were present. The galleries were filled by ladies. The new Lord Rector spoke as follows :—

My first duty, gentlemen, is to return you my thanks for the honour which you have conferred on me. You well know that it was wholly unsolicited ; and I can assure you that it was wholly unexpected. I may add, that if I had been invited to become a candidate for your suffrages, I should respectfully have declined the invitation. My predecessor, whom I am so happy as to be able to call my friend, declared from this place last year, in language which well became him, that he should not have voluntarily come forward to displace so eminent a statesman as Lord John Russell. I can with equal truth affirm that I should not have voluntarily come forward to displace so estimable a gentleman, and so accomplished a scholar, as Colonel Mure. But Colonel Mure felt last year that it was not for him, and I now feel that it is not for me, to question the propriety of your decision on a point of which, by the constitution of your body, you are the judges. I therefore gratefully accept the office to which I have been called, fully purposing to use whatever powers belong to it with a single

\* London Times, March 23, 1849.



view to the welfare and credit of your society. I am not using a mere phrase of course, when I say that the feelings with which I bear a part in the ceremony of this day are such as I find it difficult to utter in words. I do not think it strange that when that great master of eloquence, Edmund Burke, stood where I now stand, he faltered and remained mute. Doubtless the multitude of thoughts which rushed into his mind was such as even he could not easily arrange or express. In truth, there are few spectacles more striking or affecting than that which a great historical place of education presents on a solemn public day. There is something strangely interesting in the contrast between the venerable antiquity of the body, and the fresh and ardent youth of the great majority of the members. Recollections and hopes crowd upon us together. The past and the future are at once brought close to us. Our thoughts wander back to the time when the foundations of this ancient building were laid, and forward to the time when those whom it is our office to guide and to teach will be the guides and teachers of our posterity. On the present occasion we may, with peculiar propriety, give such thoughts their course. For it has chanced that my magistracy has fallen in a great secular epoch. This is the 400th year of the existence of your University. (Cheers.) At such jubilees as these—jubilees of which no individual sees more than one—it is natural, and it is good, that a society like this, a society which survives all the transitory parts of which it is composed—a society which has a corporate existence and a perpetual succession, should review its annals, should retrace the stages of its growth from infancy to maturity, and should try to find, in the experience of generations which have passed away, lessons which may be profitable to generations yet unborn. The retrospect is full of interest and instruction. Perhaps it may be doubted whether, since the Christian era, there has been any point of time more important to the higher interests of mankind than that at which the existence of your University commenced. It was the

moment of a great destruction and of a great creation. Your society was instituted just before the empire of the East perished ; that strange empire, which, dragging on a languid life through the great age of darkness, connected together the two great ages of light ; that empire which, adding nothing to our stores of knowledge, and producing not one man great in letters, in science, or in art, yet preserved, in the midst of barbarism, those masterpieces of Attic genius which the highest minds still contemplate, and long will contemplate, with admiring despair. And, at that very time, while the fanatical Moslem were plundering the churches and palaces of Constantinople, breaking in pieces Grecian sculpture, and giving to the flames piles of Grecian eloquence, a few humble German artisans, who little knew that they were calling into existence a power far mightier than that of the victorious Sultan, were busied in cutting and setting the first types. The University came into existence just in time to see the last trace of the Roman Empire disappear, and to see the earliest printed book. At this conjuncture—a conjuncture of unrivalled interest in the history of letters—a man never to be mentioned without reverence by every lover of letters, held the highest place in Europe. Our just attachment to that Protestant faith to which our country owes so much must not prevent us from paying the tribute which, on this occasion and in this place, justice and gratitude demand, to the founder of the University of Glasgow, the greatest of the revivers of learning, Pope Nicholas the Fifth. He had sprung from the common people ; but his abilities and his erudition had early attracted the notice of the great. He had studied much and travelled far. He had visited Britain, which, in wealth and refinement, was to his native Tuscany what the back settlements of America now are to Britain. He had lived with the merchant princes of Florence, those men who first ennobled trade by making trade the ally of philosophy, of eloquence, and of taste. It was he who, under the protection of the munificent and discerning

Cosmo, arrayed the first public library that modern Europe possessed. From privacy your founder rose to a throne; but on the throne he never forgot the studies which had been his delight in privacy. He was the centre of an illustrious group composed partly of the last great scholars of Greece, and partly of the first great scholars of Italy, Theodore Gaza and George of Trebizond, Bessarion and Tilelfo, Marsilio Ficino and Poggio Bracciolini. By him was founded the Vatican library, then and long after the most precious and the most extensive collection of books in the world. By him were carefully preserved the most valuable intellectual treasures which had been snatched from the wreck of the Byzantine empire. His agents were to be found everywhere—in the bazaars of the furthest East, in the monasteries of the furthest West—purchasing and copying worm-eaten parchments, on which were traced words worthy of immortality. Under his patronage were prepared accurate Latin versions of many precious remains of Greek poets and philosophers. But no department of literature owes so much to him as history. By him were introduced to the knowledge of Western Europe two great and unrivalled models of historical composition, the work of Herodotus and the work of Thucydides. By him, too, our ancestors were first made acquainted with the graceful and lucid simplicity of Xenophon and with the manly good sense of Polybius. It was while he was occupied with cares like these that his attention was called to the intellectual wants of this region—a region now swarming with population, rich with culture, and resounding with the clang of machinery—a region which now sends forth fleets laden with its admirable fabrics to lands of which in his days no geographer had ever heard—then a wild, a poor, a half-barbarous tract, lying in the utmost verge of the known world. He gave his sanction to the plan of establishing a University at Glasgow, and bestowed on the new seat of learning all the privileges which belonged to the University of Bologna. I can conceive that a pitying smile passed over his face



as he named Bologna and Glasgow together. At Bologna he had long studied. No spot in the world had been more favoured by nature or by art. The surrounding country was a fruitful and sunny country, a country of cornfields and vineyards. In the city the house of Bentivoglio bore rule—a house which vied with the Medici in taste and magnificence—which has left to posterity noble palaces and temples, and which gave a splendid patronage to arts and letters. Glasgow he just knew to be poor, a small, rude town, and, as he would have thought, not likely ever to be otherwise, for the soil, compared with the rich country at the foot of the Apennines, was barren, and the climate was such that an Italian shuddered at the thought of it. But it is not on the fertility of the soil—it is not on the mildness of the atmosphere that the prosperity of nations chiefly depends. (Cheers.) Slavery and superstition can make Campania a land of beggars, and can change the plain of Enna into a desert. Nor is it beyond the power of human intelligence and energy, developed by civil and spiritual freedom, to turn sterile rocks and pestilential marshes into cities and gardens. Enlightened as your founder was, he little knew that he himself was a chief agent in a great revolution—physical and moral, political and religious—in a revolution destined to make the last first and the first last—in a revolution destined to invert the relative positions of Glasgow and Bologna. We cannot, I think, better employ a few minutes than in reviewing the stages of this change in human affairs. The review shall be short. Indeed, I cannot do better than pass rapidly from century to century. Look at the world, then, a hundred years after the seal of Nicholas had been affixed to the instrument which called your college into existence. We find Europe—we find Scotland especially—in the agonies of that great revolution which we emphatically call the Reformation. The liberal patronage which Nicholas, and men like Nicholas, had given to learning, and of which the establishment of this seat of learning is not the least remarkable

instance, had produced an effect which they had never contemplated. Ignorance was the talisman on which their power depended, and that talisman they had themselves broken. They had called in knowledge as a handmaid to decorate superstition, and their error produced its natural effect. I need not tell you what a part the votaries of classical learning, and especially of Greek learning, the Humanists, as they were then called, bore in the great movement against spiritual tyranny. In a Scotch university, I need hardly mention the names of Knox, of Buchanan, of Melville, of Maitland, of Lethington. (Applause.) They formed, in fact, the vanguard of that movement. Every one of the chief Reformers—I do not at this moment remember a single exception—was a Humanist. Every eminent Humanist in the north of Europe was, according to the measure of his uprightness and courage, a Reformer. In truth, minds daily nourished with the best literature of Greece and Rome, necessarily grew too strong to be trammelled by the cobwebs of the scholastic divinity; and the influence of such minds was now rapidly felt by the whole community, for the invention of printing had brought books within the reach even of yeomen and of artisans. From the Mediterranean to the Frozen Sea, therefore, the public mind was everywhere in a ferment, and nowhere was the ferment greater than in Scotland. It was in the midst of martyrdoms and proscriptions, in the midst of a war between power and truth, that the first century of the existence of your University closed. Pass another 100 years, and we are in the midst of another revolution. The war between Popery and Protestantism had, in this island, been terminated by the victory of Protestantism; but from that war another war had sprung—the war between Prelacy and Puritanism. The hostile religious sects were allied, intermingled, confounded with hostile political parties. The monarchical element of the constitution was an object of almost exclusive devotion to the Prelatist. The popular element of the constitution was especially

dear to the Puritan. At length an appeal was made to the sword. Puritanism triumphed; but Puritanism was already divided against itself. Independency and Republicanism were on one side—Presbyterianism and limited Monarchy on the other. It was in the very darkest part of that dark time—it was in the midst of battles, sieges, and executions—it was when the whole world was still aghast at the awful spectacle of a British King standing before a judgment-seat, and laying his neck on a block—it was when the mangled remains of the Duke of Hamilton had just been laid in the tomb of his house—it was when the head of the Marquis of Montrose had just been fixed on the Tolbooth of Edinburgh, that your university completed her second century. A hundred years more, and we have at length reached the beginning of a happier period. Our civil and religious liberties had indeed been bought with a fearful price. But they had been bought; the price had been paid; the last battle had been fought on British ground; the last black scaffold had been set up on Tower Hill. The evil days were over. A bright and tranquil century—a century of religious toleration, of domestic peace, of temperate freedom, of equal justice—was beginning. That century is now closing. When we compare it with any equally long period in the history of any other great society, we shall find abundant cause for thankfulness to the Giver of all good; nor is there any place in the whole kingdom better fitted to excite this feeling than the place where we are now assembled. For in the whole kingdom we shall find no district in which the progress of trade, of manufactures, of wealth, and of the arts of life, has been more rapid than in Clydesdale. Your university has partaken largely of the prosperity of this city and of the surrounding region. The security, the tranquillity, the liberty, which have been propitious to the industry of the merchant and of the manufacturer, have been also propitious to the industry of the scholar. To the last century belong most of the names of which you justly boast.



The time would fail me if I attempted to do justice to the memory of all the illustrious men who, during that period, taught or learned wisdom within these ancient walls—geometricians, anatomists, jurists, philologists, metaphysicians, poets—Simpson and Hunter, Miller and Young, Reid and Stuart; Campbell—(cheers)—whose coffin was lately borne to a grave in that renowned transept which contains the dust of Chaucer, of Spenser, and of Dryden; Black, whose discoveries form an era in the history of chymical science; Adam Smith, the greatest of all the masters of political science; James Watt, who perhaps did more than any single man has done since the *New Atlantis* of Bacon was written, to accomplish that glorious prophecy. We now speak the language of humility when we say that the University of Glasgow need not fear a comparison with the University of Bologna. Another secular period is now about to commence. There is no lack of alarmists, who will tell you that it is about to commence under evil auspices. But from me you must expect no such gloomy prognostications. I am too much used to them to be scared by them. Ever since I began to make observations on the state of my country, I have been seeing nothing but growth, and I have been hearing of nothing but decay. The more I contemplate our noble institutions, the more convinced I am that they are sound at heart, that they have nothing of age but its dignity, and that their strength is still the strength of youth. The hurricane which has recently overthrown so much that was great and that seemed durable has only proved their solidity. They still stand, august and immovable, while dynasties and churches are lying in heaps of ruin all around us. I see no reason to doubt that, by the blessing of God on a wise and temperate policy, on a policy of which the principle is to preserve what is good by reforming in time what is evil, our civil institutions may be preserved unimpaired to a late posterity, and that, under the shade of our civil institutions, our academical institutions may long continue to flourish. I trust, therefore, that

when a hundred years more have run out, this ancient college will still continue to deserve well of our country and of mankind. I trust that the installation of 1949 will be attended by a still greater assembly of students than I have the happiness now to see before me. That assemblage, indeed, may not meet in the place where we have met. These venerable halls may have disappeared. My successor may speak to your successors in a more stately edifice, in an edifice which, even among the magnificent buildings of the future Glasgow, will still be admired as a fine specimen of the architecture which flourished in the days of the good Queen Victoria. (Cheers.) But though the site and the walls may be new, the spirit of the institution will, I hope, be still the same. My successor will, I hope, be able to boast that the fifth century of the university has been even more glorious than the fourth. He will be able to vindicate that boast by citing a long list of eminent men, great masters of experimental science, of ancient learning, of our native eloquence, ornaments of the senate, the pulpit, and the bar. He will, I hope, mention with high honour some of my young friends who now hear me; and he will, I also hope, be able to add that their talents and learning were not wasted on selfish or ignoble objects, but were employed to promote the physical and moral good of their species, to extend the empire of man over the material world, to defend the cause of civil and religious liberty against tyrants and bigots, and to defend the cause of virtue and order against the enemies of all divine and human laws. (Cheers.) I have now given utterance to a part, and a part only, of the recollections and anticipations of which on this solemn occasion my mind is full. I again thank you for the honour you have bestowed on me, and I assure you that while I live I shall never cease to take a deep interest in the welfare and fame of the body with which by your kindness I have this day become connected.

## MR. MACAULAY'S ADDRESS IN EDINBURGH ON HIS RE-ELECTION TO PARLIAMENT.\*

NOV. 2, 1852.

ON Tuesday afternoon Mr. Macaulay addressed the electors of Edinburgh for the first time since his election in July last. It will be remembered that the right hon. Gentleman was on that occasion elected in his absence, and without his solicitation, and that, on receiving intimation of that gratifying fact, he promised to appear among the electors in a few days and thank them for their kindness. The 30th of July was, indeed, fixed for the meeting, but, in consequence of a fresh attack of the illness under which he had for some time been suffering (bronchitis, we believe), it was found necessary to postpone his visit till his health would enable him to undertake the journey. Tuesday last was at length named as the day on which he should deliver the promised address, and the right hon. Gentleman arrived in Edinburgh for that purpose on Saturday night by the express-train from London. The meeting took place in the Music-hall, the doors of which were thrown open as early as 12 o'clock for the admission of those who were provided with tickets, but it was half-past 12 before the general public were admitted. In a few minutes thereafter the hall was filled almost to suffocation, a large crowd having been waiting outside for some time previous. About 300 ladies were accommodated with seats in the orchestra. Precisely at one o'clock Mr. Macaulay entered the hall, accompanied by a large number of his friends, and was received with immense applause. He looked pale and thin, and was evidently affected by the

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warmth and cordiality of his reception. Among those who accompanied him we observed the Right Hon. Henry Tufnell M. P., Sir William Gibson Craig, Mr. Charles Cowan, M. P., Mr. James Moncreiff, M. P., Mr. A. Hastie, M. P. (Paisley), Mr. J. Fergus, M. P., Mr. Edward Horsman, Mr. Adam Black, &c.

Sir W. G. Craig proposed that Mr. Black should take the chair, which was at once agreed to by acclamation.

The Chairman congratulated the meeting upon having the pleasure of once more seeing in the midst of them their highly esteemed Representative; but, while he congratulated them, he was not without misgivings that they had not acted with perfect prudence in asking him to visit them at this time, although he (Mr. Macaulay) was himself desirous of the opportunity personally of returning his thanks to them for the honour they had done him in electing him as their representative in Parliament in his absence. He (the Chairman) was persuaded that the citizens of Edinburgh would a thousand times rather be disappointed of the pleasure of seeing him and hearing him, than that they should be the cause in the smallest degree of injuring a health so valuable to the country and to the civilized world. (Loud cheers.) And he was sure that, however much they might rejoice in hearing his views on questions of importance at the present time, there was not one among them who would be the occasion of causing him more exertion, or more anxiety, than he could easily undergo. He would not detain the meeting longer, as he knew how anxious they all were to hear the right hon. Gentleman, and therefore it was with the greatest pleasure that he now asked Mr. Macaulay to address them.

MR. MACAULAY then stood up, and was received with a double round of the most enthusiastic applause. When the cheering had subsided, he said,—Gentlemen, I thank you from my heart for this kind reception. In truth, it has almost overcome me. [The right hon. Gentleman seemed at this moment, and for some minutes

afterwards, to be labouring under considerable emotion.] Your good opinion and your good will were always very valuable to me—more valuable by far than any vulgar object of ambition—more valuable than any office, however lucrative or dignified. In truth, no office, however lucrative or dignified, would have tempted me to do what I have done at your summons—to leave again the happiest and most tranquil of all retreats for the bustle of political life. But the honour which you have conferred upon me—an honour of which the greatest men might well be proud, an honour such as it is in the power only of a free people to bestow—laid on me such an obligation that I should have thought it ingratitude, I should have thought it pusillanimity not to make it at least an honour to serve you. (Great applause.) And here, Gentlemen, here we have met again in kindness after long separation. It is more than five years since I stood in this very place. A large part of human life. There are few of us on whom these five years have not set their mark, few circles from which these five years have not taken away what can never be replaced. Even in this multitude of friendly faces I look in vain for some which would on this day have been lighted up with joy and kindness. I miss one honourable man, who, before I was born, in evil times, in times of oppression and of corruption, had adhered, with almost solitary fidelity, to the cause of freedom, and whom I knew in advanced age, but still in the full vigour of mind and body, enjoying the respect and gratitude of his fellow-citizens. (Hear, hear.) I should, indeed, be most ungrateful if I could, on this day, forget Sir J. Gibson Craig. (Hear, hear.) His public spirit, his judicious counsel, and his fatherly kindness to myself, and Lord Jeffréy too. (Hear, hear.) With what effusion of generous affection he would, on this day, have welcomed me to Edinburgh! He too is gone; but the remembrance of him is one of the many ties which bind me to the city which he loved, and with which his fame is inseparably associated. But, gentlemen, it is

not only here that, on entering again at your call on a course of life which I had believed I had quitted forever, I shall be painfully reminded of the changes which the last five years have produced. In Parliament I shall look in vain for virtues which I loved, and abilities I admired. Often in debate, and never more than when we discussed questions of colonial policy, which are every day acquiring a new interest, I shall remember with regret how much eloquence and wit, how much acuteness and knowledge, how many engaging qualities, how many fair hopes, are buried in the grave of poor Charles Buller. (Hear.) There were other men, men with whom I had no party and little personal connexion, men to whom I was, during a great part of public life, honestly opposed, but of whom I cannot now think without grieving that their wisdom, their experience, and the weight of their great names can never more in the hour of need bring help to the nation or to the throne. Such were two eminent men whom I left at the height, the one of civil and the other of military fame—the one the oracle of the House of Commons, the other the oracle of the House of Lords. (Hear, hear.) There were parts of their long public life, which they themselves, I am persuaded, on a calm retrospect, would have allowed to have been censurable; but it is impossible to deny that each in his own department saved the State—that the one brought to a triumphant close the most formidable conflict in which this country was ever engaged against a foreign enemy, and that the other, at the sacrifice—the immense sacrifice—of personal feeling and personal ambition, freed us from an odious monopoly, which could not have existed many years longer without producing most fearful intestine discords. (Hear, hear.) I regret them both, but I peculiarly regret him who is associated in my mind with the place to which you have sent me. I shall hardly know the House of Commons without Sir R. Peel. (Hear, hear.) On the first evening I took my seat in the House of Commons, in 1830, he was then at the head of the Government



in that House. During all the years of my Parliamentary service which followed I scarcely remember one important discussion in which he did not bear a part with conspicuous ability. His figure is now before me; all the tones of his voice are in my ears, and the pain with which I think I shall never hear them again would be embittered by the recollection of some sharp encounters which took place between us, were it not that at the last there was an entire and cordial reconciliation, and that only a very few days before his death I had the pleasure of receiving from him marks of kindness and esteem of which I shall always cherish the recollection. (Cheers.) But, gentlemen, it is not only by those changes which the natural law of mortality produces,—it is not by the successive disappearance of eminent men that the face of the earth has been changed during the five years which have elapsed since we met here last. Never since the origin of the race have there been five years more fertile of great events—five years which have left behind them a more awful lesson. We have lived many lives in that time. The revolutions of ages have been compressed into a few months. France, Germany, Hungary, Italy,—what a history has theirs been! When we met here last there was in all of those an outward show of tranquillity; and there were few, even of the wisest among us, who imagined what wild passions, what wild theories, were fermenting under that pacific exterior. An obstinate resistance to a reasonable reform—a resistance prolonged but for one day beyond the time—gave the signal for the explosion; and in an instant, from the borders of Russia to the Atlantic Ocean, everything was thrown into confusion and terror. The streets of some of the greatest capitals of Europe were piled up with barricades, and were streaming with civil blood. The house of Orleans fled from France—the Pope fled from Rome. The Emperor of Austria was not safe at Vienna. There were popular institutions in Florence—popular institutions at Naples. One democratic convention sat at Berlin; another democratic con-

vention sat at Frankfort. You remember, I am sure, but too well, how some of the wisest and most honest friends of reform, men most inclined to look with indulgence on the excesses inseparable from the vindication of public liberty by physical force, began to doubt and despair of the prospects of mankind. You remember how all sorts of animosity—national, religious, and social—broke forth together with the political animosity. You remember how with the hatred of discontented subjects towards their Governments was mingled the hatred of nation to nation, and class to class. In truth, for myself, I stood aghast; and, though naturally of a sanguine disposition, and disposed to look with hope at the progress of mankind. I did for one moment doubt whether the course of mankind was not to be turned back, and whether we were not doomed to pass in our generation from the civilization of the 19th century to the barbarism of the 5th. (Hear, hear.) I remembered that Adam Smith and Gibbon had told us that there would never be again a destruction of civilization by barbarism. That flood, they said, would no more return to cover the earth; and they seemed to reason justly, for they compared the immense strength of the civilized part of the earth with the weakness of those parts which remained savage; and they asked whence were to come the Huns and the Vandals that should again destroy civilization? It had not occurred to them that civilization itself might engender the barbarians who should destroy it. (Hear, hear.) It had not occurred to them that in the very heart of great capitals—in the very neighbourhood of splendid palaces, and churches, and theatres, and libraries, and museums, vice and ignorance might produce a race of Huns fiercer than those who marched under Attila, and Vandals more bent on destruction than those who followed Genseric. (Great applause.) Such was the danger. It passed by, and civilization was saved; but at what a price! The tide of popular feeling turned and ebbed almost as fast as it had risen. Imprudent and obstinate opposition to reasonable demands brought on anarchy,

and as soon as men saw the evils of anarchy they fled in terror to crouch at the feet of despotism. To the dominion of mobs armed with pikes succeeded the sterner and more lasting dominion of disciplined armies. The Papacy rose from its debasement; rose more intolerant and insolent than before; as intolerant and insolent as it had been in the days of Hildebrand,—intolerant and insolent to a degree which dismayed and disappointed those who had fondly cherished the hope that its spirit had been mitigated by the lapse of years and by the progress of knowledge. (Hear, hear.) Through all that vast region where little more than four years ago we looked in vain for any stable authority we now look in vain for any trace of constitutional freedom. (Hear, hear.) And we, gentlemen, in the meantime, have been exempt from both those calamities which have wrought ruin all around us. The madness of 1848 did not subvert our throne. The reaction which followed has not touched our liberties. And why is this? Why has our country, with all the ten plagues raging around us—why has she been a land of Goshen? Everywhere else thunder, fire running along the ground, a very grievous storm—such as there was none like it since man was on the earth; yet everything was tranquil here; and then again thick night, darkness that might be felt; and yet there was light in all our dwellings. We owe this, under the blessing of God, to our wise and noble constitution, the work of many generations of great men. Let us profit by the lessons we have received, and let us thank God that we profit by the experience of others, and not by our own. (Cheers.) Let us prize our constitution. Let us purify it, let us amend it, but let us not destroy it. (Great applause.) Let us shun extremes, not only because each extreme is in itself a positive evil, but also because it has been proved by experience that each extreme necessarily engenders its opposite. If we love civil and religious freedom, let us in every day of danger uphold law and order. If we are zealous for law and



order, let us prize as the best security of that law and order civil and religious freedom. (Hear, hear.) Yes, gentlemen, the reason that our liberties remain in the midst of the general servitude, that the Habeas Corpus Act has never in this island been suspended, that our press is free, that we have liberty of association, that our representative system stands in all its strength, is this, that in the year of revolutions we stood firmly by our Government in its peril; and, if I am asked why we stood by our Government in its peril, when men around us were engaged in pulling their Governments down, my answer is, that it was because we knew that, although our Government was not a perfect Government, it was a good Government, that its faults admitted of peaceable and legal remedies, that it had never been inflexibly opposed to just demands, that we obtained concessions of inestimable value, not by beating the drum, not by ringing the tocsin, not by tearing up the pavement, not by running to the gunsmiths' shops to search for arms, but by mere force of reason and public opinion. (Cheers.) And, gentlemen, pre-eminent among the pacific victories of reason and public opinion, the recollection of which chiefly, I believe, carried us safely through the year of revolutions, and through the year of counter-revolutions, I would place two great reforms, inseparably associated—the one with the memory of an illustrious man, who is now beyond the reach of envy—the other as closely associated with the name of another illustrious man, who is still, and, I hope, long will be, living to be the mark for detraction. I speak of the great commercial reform of 1846, the work of Sir R. Peel, and of the Reform Bill of 1832, which was brought in by Lord John Russell. (Loud cheers.) I particularly call your attention to those two great reforms, because it will, in my opinion, be the especial duty of that House of Commons in which, by your distinguished favour, I shall have a seat, to defend the commercial reform of Sir R. Peel, and to perfect and extend the Parliamentary reform of Lord J. Russell. (Ap-

plause.) With respect to the commercial reform, although I say it will be a sacred duty to defend it, I do not apprehend that we shall find the task very difficult. (Hear, hear.) Indeed, I have great doubt whether we have reason to apprehend a direct attack upon it at all. From the expressions used during the last session, and during the late election by Ministers and other adherents, I should, I confess, find it utterly impossible to draw any inference whatever. They have contradicted each other, and they have contradicted themselves. I would engage to produce, selected from their speeches, passages which should prove them to be Freetraders, and other passages which should prove them to be Protectionists. (Laughter.) But, in truth, the only inference that can really be drawn from any such passages is as to the question whether the persons who made the speeches were addressing a town constituency or an agricultural one. (Renewed laughter.) I left London in the heat of the elections—for I was forced to leave London for Bristol—I left behind me a Tory candidate for Westminster and a Tory candidate for Middlesex, proclaiming themselves Freetraders. All along my journey through Berkshire and Wiltshire I heard nothing but the cry of Derby and Protection; but when I got to Bristol it was Lord Derby and Free Trade again. (Laughter and cheers.) On the one side of the Wash, Lord Stanley, the Under-Secretary of State for the Foreign Department—a young nobleman of great promise, a young nobleman who appears to me to inherit a large portion of his father's ability and energy—held language which was universally understood to indicate that the Government of his father had altogether abandoned all thoughts of protection. He was addressing the inhabitants of a town; but on the other side of the Wash the Chancellor of the Duchy of Lancaster was haranguing the farmers of Lincolnshire, and when somebody took it upon him to ask, "What will you do, Mr. Christopher, if Lord Derby abandons protection?" the hypothesis was so monstrous, so insulting, that he said he

would not answer a question so derogatory to Lord Derby. "I will stand by Lord Derby," he said, "because I know that Lord Derby will stand by protection." Well, then, those opposite speeches of two eminent persons, both likely to know the mind of Lord Derby on the subject, go forth, and are taken up by the less distinguished adherents of the party. The Tory candidate for Leicestershire says—"I will stick by Mr. Christopher; for, while you see Mr. Christopher in the Government, protection is safe." But, when I go into East Surrey, which is really a suburb of London, and a town constituency, there I find the Tory candidate saying, "Never mind Mr. Christopher, I swear by Lord Stanley. What should Mr. Christopher know on the subject; he is not in the Cabinet; he can tell you nothing about it?" (Hear, hear.) And to such a degree was the thing carried, that the different members of the party changed their sides and previous professions, if they passed from a town constituency to a country constituency, or from a country to a town constituency. (Laughter.) Take for example Lord Maidstone. He was at one time one of the most vehement Protectionists in England, and put forth a small volume, which I do not know whether any of you have seen, but as I am an elector of Westminster, and as I know he stood for Westminster, I thought it my duty to buy it, in order to be informed of his opinions. It was entitled *Free Trade Hexameters*. Of the poetical merits of Lord Maidstone's hexameters I shall not presume to pronounce an opinion. But you may all easily form an opinion of them for yourselves by ordering copies; for I found, when I bought mine of the publishers in Bond street, that the supply on hand was still considerable. (Laughter and cheers.) But of the political merits of Lord Maidstone's hexameters I can speak with confidence, and it is impossible to conceive a fiercer or more bitter attack—according to the measure of power of the assailant—(laughter)—than that which he made on Sir Robert Peel's free trade policy. On the other hand, Sir Fitzroy Kelly, who is now



Solicitor-General, and who was Solicitor-General under Sir Robert Peel, and voted for all Sir Robert Peel's free trade measures, and doubtless from a regard to the public interest, which would have suffered greatly by the retirement of so able a lawyer from the service of the Crown—he did not think it necessary to lay down his office even when Sir Robert Peel brought in his measure for free trade in corn. But unfortunately Lord Maidstone became a candidate for the city of Westminster, and Sir Fitzroy Kelly went to stand for an agricultural county; so, instantly, Lord Maidstone forgets his verse, and Sir Fitzroy Kelly forgets his votes. (Laughter and cheers.) Lord Maidstone declares himself a convert to the opinions of Sir Robert Peel, and Sir Robert Peel's own Solicitor-General stands up and makes a speech, apparently composed out of Lord Maidstone's hexameters, against free trade. (Laughter and renewed cheers.) It is, therefore, gentlemen, utterly impossible for me to pretend to foresee, from the language held by the members of the Government and their adherents, what their conduct will be on the subject of protection. Nevertheless, I think that I can confidently say that the great reform effected by Sir Robert Peel is perfectly safe. (Applause.) I believe that the law which repealed the corn laws stands now on a firmer foundation than when it was first passed. We free traders are stronger in reason, and we are stronger in numbers. We are stronger in reason, because what was only prophecy is now history; and because no person can dispute the salutary effect which the repeal of the corn laws has had on our trade and industry. (Loud cheers.) We are infinitely stronger in numbers; for I am sure you will all recollect the time when an exceedingly strong and formidable opposition to the repeal of the corn laws proceeded from a class which was most deeply interested in their repeal—I mean from the labouring classes. I do not now remember—I ought to remember perhaps—whether that opposition produced much effect here, but I do know that there were many of the

largest towns in England where the free traders durst not venture to call a meeting for the purpose of petitioning against the corn laws, for fear of being interrupted by a crowd of working people, who were taught by a certain class of demagogues to say that it was a question in which working people had no concern—that it was purely a capitalist question—that if the poor man got a loaf twice as large, the capitalist would give only a sixpence, where he formerly gave him a shilling—that it was a matter absolutely unimportant to the working classes, nay, that any change would be positively injurious to them. I never had the slightest faith in these doctrines myself. Experience even then seemed to me completely to confute them. I compared place with place, and I found that though bread was cheaper in the State of Ohio than in England, wages were higher in Ohio than in England. I saw that those times when bread was cheapest in England, within my own memory, were also the times in which the condition of the labouring classes was best. (Hear, hear.) But now the experiment has been tried in a manner which admits of no dispute; and I should be glad to know, if there were now an attempt made to re-establish a tax on corn, what demagogue would be able to bring in a crowd of working men to hold up their hands in favour of such a tax. (Applause.) Thus strong, gentlemen, in reason, and thus strong in number, we need, I believe, apprehend no direct attack on the principles of Sir Robert Peel's reform. It will be one of the first duties of your representatives to be vigilant, that no indirect attack shall be made on these principles; and to take care that in any change which may be made in the present system of taxation no undue favour shall be shown to any class. With regard to the other question which I have mentioned—the question of Parliamentary reform (cheers)—I think that the time is now near when that question will require the gravest consideration—when it will be necessary to reconsider the reform of 1832, and to amend it temperately and cautiously, but in a large and liberal spirit. (Great

applause.) I confess that, in my opinion, this revision cannot be made with advantage, except by the Ministers of the Crown. I greatly doubt whether it will be found possible to carry through any well-matured and complete plan of improvement if you have not the Government heartily with you; and I must say that from the present Administration I can, as to that matter, expect nothing good. (Hear, hear.) What I am to expect from them precisely I do not know—whether the most obstinate opposition to every change, or the most insane and violent change. For if I look to their actions and conduct, I find the gravest reasons for apprehending that they may at one time resist the most just demands, and at another time, from the merest caprice, propose the wildest innovations. And I will tell you why I entertain this opinion. I am sorry that, in doing so, I must mention the name of a gentleman for whom, personally, I have the highest respect—I mean Mr. Walpole, the Secretary of State for the Home Department. My own acquaintance with him is slight, but I know him well by character. I believe him to be an honourable, an excellent, an able man. No man is more esteemed in private life; but of his public conduct I must claim the right to speak with freedom; and I do so with the less scruple because of that freedom he has himself set me an example, and because I am really now speaking on the defensive. Mr. Walpole addressed the constituency of Medhurst, and in his speech to them he spoke personally of Lord J. Russell as one honourable and good man should speak of another, and as, I am sure, I always wish to speak of Mr. Walpole. But of Lord J. Russell's public conduct he spoke with severity. Chief among the faults which he objected to his lordship was this, that he had reopened the question of reform. Mr. Walpole declared himself to be opposed on principle to organic change. He justly said that if an organic change were introduced it should first be deeply meditated and well weighed, and that nothing should be done without thought and care; and he charged Lord John Russell with having



neglected these precepts of prudence. I was perfectly thunder-struck when I read his speech, for I recollected that the most violent and democratic change in our representative system that ever was proposed within the memory of the oldest man had been proposed but a few weeks before by this same Mr. Walpole, as the organ of the present Government. (Laughter and applause.) Do you remember the history of the Militia Bill? (A renewed burst of laughter and applause.) In general, when a great reform in Parliament is to be brought in, the Minister announces it some weeks before. He gives notice that he means to propose a change in the representative system. There is a great attendance, and the most painful anxiety to know what he is going to propose. I well remember, for I was present, with what breathless suspense 600 persons waited, on the 1st of March, 1832, to hear Lord John Russell announce his Reform Bill. But what his Reform Bill to the bill of Mr. Secretary Walpole of the Derby Administration! (Cheers.) At the end of a night, in the easiest way possible, without the smallest notice, he proposed a clause to the tail of the Militia Bill to the effect, that every man who served in the militia for two years should have a vote in the county. (Hear, hear, and cheers.) What is the number of those voters who were to be entitled to vote in this way for a county? The militia of England is to consist of 80,000, and the term of service is to be five years. In 10 years the number will be 160,000; in 20 years, 320,000; and in 25 years, 400,000. Some of these will, of course, have died off in 25 years, though the lives are picked lives—remarkably good lives. How many I do not know, but any actuary will easily calculate it for you. I should say in round numbers, that you will have, when the system is in operation, for a generation, an addition of about 300,000 to the county constituent bodies—that is to say, 6,000 voters on the average to be added to every county in England and Wales. (Hear, hear.) That is an immense addition; and what is the qualification? Why, the first qualification is

youth. They are not to be above a certain age; but the nearer you can get them to 18 the better. (Laughter and applause.) The second qualification is poverty. They are all to be persons to whom a shilling a-day will be an object. (Renewed laughter and applause.) The third qualification is ignorance; for I venture to say that if ever you take the trouble to observe the appearance of those young fellows who follow the recruiting sergeant in the streets, you will at once say that, among our labouring classes, they are not the most educated—they are not the most intelligent. (Laughter and cheers.) That they are brave stout fellows, I have not the least doubt. Lord Hardinge tells me that he never saw a finer set of young fellows; and I have not the slightest doubt that, if necessary, after a few years' training, they will be found standing up for our firesides and hearths against the best disciplined soldiers the Continent can produce. But these are not the qualifications of men whom we want to choose our legislators. (Cheers.) The habits that generally send young men from the ploughtail to the army are rather a disposition to idleness. (Hear, hear.) Oh! but there is another qualification which I have forgot, and that is, that they must be five feet two. (Loud laughter and cheers.) This a qualification for a county voter! Only think of measuring a man for the franchise! (Continued laughter and applause.) Well, this comes from a Conservative Government,—a measure which would swamp all the county constituents in England with people who possess the Derby-Waipole qualifications;—that is to say youth, poverty, ignorance, a roving disposition, and five feet two (Continued laughter and applause.) Why, what have people who have brought in such a measure as this to talk about—I do not say Lord J. Russell's imprudence—but about the imprudence of Ernest Jones and other people who propose universal suffrage? At all events, they give wealth with poverty, and knowledge with ignorance, and mature age with youth. But to make a qualification compounded of disqualifications is a thing I really do believe

was never heard of, except in the case of this Conservative reform. ("Hear, hear," and cheers.) This prodigious proposition was made, I believe, in a very thin House, but next day the House was full enough—everybody having come down to know what was coming. One asked, why not this? and another, why not that? Are all the regular troops to have a vote, all the policemen, and all the sailors? for, if you take ploughboys of 21, what possible class of honest Englishmen and Scotchmen could you have the slightest pretence to exclude? But up gets the Home Secretary, and states that the thing had not been sufficiently considered, that some of his colleagues were not satisfied, and that he would not press the thing. Well, I must say that if it had happened to me first to propose such a reform, and at the next sitting of the House to withdraw it, because it had not been well considered, I do think that to the end of my life I never should talk about the exceeding evil of reopening the question of reform; I would never read any other man a lecture on the extreme prudence and caution with which he should approach questions of organic change. (Cheers and laughter.) I repeat, that if I am to judge from the language of the present Ministers, taken in connexion with this solitary instance of legislative skill in the way of reform, I am utterly at a loss what to expect; but what I do expect is a pertinacious, vehement, provoking opposition to what is most safe and reasonable, and then that, in some moment of fear or caprice, they will bring in a plan and fling it on the table in a fit of desperation or levity—a plan which is enough to loosen the foundations of society. (Hear, and cheers.) For my own part, I think the question of Parliamentary reform is one which must soon be taken up, but it ought to be taken up by the Government; and I hope, before long, to see in office a Ministry which will take it up in earnest. (Loud cheers.) I dare say you will not suspect me of saying so from any interested feeling. The truth is that in no case whatever shall I again be a member of any Ministry. During



what may remain of my public life, I shall be the servant of none but you. (Loud and prolonged cheering.) I have nothing to ask of any Government, except that protection which every Government owes to every faithful and loyal subject of the Queen. But, as I live, I do hope to see in office before long a Ministry which will treat this great question as it should be treated. It will be the duty of that Ministry to revise the distribution of power. It will be the duty of that Ministry to consider whether small constituencies, notoriously corrupt, and proved to be corrupt—such, for example, as Harwich—ought to retain the power of sending members to Parliament. It will be the duty of such a Ministry to consider whether such constituent bodies, even less notoriously corrupt, ought to have in the councils of the empire a share as great as the West Riding of York, and twice as great as that of the county of Perth. (Hear, hear.) It will be the duty of such a Ministry to consider whether it be not possible, without the smallest danger to peace, law, and order, to extend the elective franchise to classes of the community which do not now possess it. As to universal suffrage—on that subject you already know my opinions, and I now come before you with those opinions strengthened by everything which, since that period, has passed in Europe. We have seen by the clearest of all proofs that universal suffrage, even united with secret voting, is no security against the establishment of arbitrary power. (Cheers.) But, gentlemen, I do look forward, and at no very remote period, to the extension of the franchise, further than I admit I once thought would be safe or practicable. (Hear, hear.) I believe that such an extension will, by the course of events, be brought about in the very best and happiest way. Perhaps I may be sanguine, but I think that good times are coming for the labouring classes of this country. I do not entertain that hope because I expect that Fourierism, or St. Simonianism, or Socialism, or any of those other “isms” for which the plain English word is “robbery,” will prevail. I know

that such schemes only aggravate the misery which they pretend to relieve. I know it is possible, by such legislation, to make the rich poor, but I know it is utterly impossible to make the poor rich. (Hear, hear.) But I do believe and hope that the progress of experimental science, the free intercourse of nation with nation, the unrestricted influx of commodities from countries where they are cheap, and the unrestricted efflux of labour towards countries where it is dear, will soon produce, and are beginning to produce, a great and most blessed social revolution. (Cheers.) You know, gentlemen, I need not tell you, that in those colonies which have been planted by our race—and, when I say colonies, I speak as well of those which have separated from us as those which still remain united to us—you know that in our colonies the condition of the labouring man has long been far more prosperous than in any part of the old world. And why is this? Some persons tell you that the people of Pennsylvania or New England are better off than the people of the Old World, because the United States have a republican form of government. But we know that the labourers of Pennsylvania and New England were more prosperous than the people of the Old World when Pennsylvania and New England were as loyal as any part of the dominions of George I., George II., or George III.; and we know that in Van Diemen's Land, in New Zealand, in Australasia, in New Brunswick, in Canada, the subjects of Her Majesty are as prosperous as they could be under the government of a president. The cause, gentlemen, is different. The cause is, that in these new countries, where there is a boundless extent of fertile land, nothing is easier than for the labourer to pass from the place which is overstocked to the place which is understocked; and that thus he who moves and he who stays always have enough. This it is which keeps up the prosperity of the Atlantic States of the Union. They force their population back to Ohio, across the Ohio to the Mississippi, and beyond the Mississippi. Everywhere the desert is receding before

the advancement of the flood of human life and civilization; and, in the meantime, those who are left behind find abundance, and never endure those privations which in old countries too often befall the labouring classes. And why has not the condition of our labourers been equally fortunate? Simply, as I believe, on account of the great distance which separates our country from the new, unoccupied, and uncultivated, fertile part of the world, and on account of the expense of traversing that distance. Science, however, has abridged, and is abridging that distance—science has diminished, and is diminishing that expense. Already New Zealand is nearer for all practical purposes to England than New England was to the Puritans who fled thither from the tyranny of Laud. Already the coasts of North America, Halifax, Boston, and New York, are nearer to England than, within the memory of persons now living, the Island of Skye and the county of Donegal were to London. Already emigration is beginning, if I rightly understand, to produce the same effect here which it has produced on the Atlantic States of the Union. And do not imagine that our countryman who goes abroad is altogether lost to us. Even if he go from under the dominion and protection of the English flag, and settle himself among a kindred people, still he is not altogether lost to us, for, under the benignant system of free trade, he will still remain bound to us by close ties. (Cheers.) If he ceases to be a neighbour, he is still a benefactor and a customer. Go where he may, if you will but uphold that system inviolate, it is for us that he is turning the forests into cornfields on the banks of the Mississippi; it is for us he is tending his sheep and preparing his fleeces in the heart of Australia, and in the meantime it is from us he receives the commodities which are produced with vast advantage in an old society, where great masses of capital are accumulated. (Cheers.) His candlesticks and his pots and pans come from Birmingham, his knives from Sheffield, the light cotton jacket which he wears in summer comes



from Manchester, and the good cloth coat which he wears in winter comes from Leeds; and in return he sends us back what he produces in what was once a wilderness—the good flour out of which is made the large loaf which the Englishman divides among his children. (Loud cheers.) The right hon. gentleman here began to show considerable symptoms of exhaustion: and, after pausing a moment, he said,—I believe that it is in these changes we shall see the best solution of the question of the franchise—not so much by lowering the franchise to the level of the great mass of the community as by raising, in a time very short in the existence of a nation, the great mass up to the level of a reasonable and moderate franchise. (Hear, hear, and cheers.) I feel that I must stop. I had meditated on some other things upon which I intended to address you. I had meant to say something about the ballot, to which, as you know, I have always been favourable; something about triennial Parliaments, to which, as you know, I have always been honestly opposed; I had meant to say something about your University tests (hear, hear)—something about the religious equality movement in Ireland; but I feel I cannot well proceed. (Cheers.) I have only strength to thank you again, from the very bottom of my heart, for the great honour which you have done me in appointing me, without solicitation, to the distinguished post of one of your representatives. I am proud of our connexion, and I shall try to act in such a manner that you may not be ashamed of it.

The right hon. gentleman resumed his seat amid loud, general, and reiterated applause.

On the motion of Mr. R. Macfarlane, advocate, a vote of thanks was tendered to Mr. Black for his conduct in the chair.

Mr. Black briefly replied, and concluded by proposing three cheers for Mr. Macaulay, which were given with the greatest cordiality, after which the meeting separated. The proceedings lasted little more than an hour.

















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